

MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

TUESDAY, FEBRUARY 11, 2003
9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Jose Medina, Vice Chairperson

Steven R. Jones

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Kathryn Tobias, Chief Counsel

Terry Jordan, Deputy Director

Jim Lee, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Frank Simpson, Assistant Director

Scott Walker, Acting Deputy Director

Patty Wohl, Deputy Director

Mark Bledsoe, Staff Counsel

Terry Brennan

Mark de Bie

Yvette DiCarlo

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APPEARANCES CONTINUED

STAFF

Chris Deitrick

Judy Friedman

Martha Gildart

Christine Karl

Steve Levine, Staff Counsel

Sue Markie

Wes Mindermann

Virginia Rosales

Tom Rudy

Tod Thalhammer

ALSO PRESENT

Sara Reyes, Assemblymember

Alan Abbs, Tehama County/Red Bluff Landfill Managment
Authority

Margaret Blood, Amador LEA

Jerry Cassesi, Amador County

Nancy Ewert, Kern County Waste Management Department

Evan Edgar

Sylvia Maxwell Navarro

Jana Nairn, Golden By-Products

Rod Schuler, Director, Amador County Enivonrmental Health
Department

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

PROCEEDINGS

CHAIRPERSON MOULTON-PATTERSON: Good morning.

I'd like to call our meeting to order and welcome you all to the February meeting of the California Integrated Waste Management Board.

And today's a special day. And I would like to, first of all, welcome Ms. Peace. It's great to have you up here with us. And we really hope to have a great first meeting.

Would the secretary please call the role.

SECRETARY WADDELL: Jones?

BOARD MEMBER JONES: Here.

SECRETARY WADDELL: Medina?

VICE CHAIRPERSON MEDINA: Here.

SECRETARY WADDELL: Paparian?

BOARD MEMBER PAPARIAN: Here.

SECRETARY WADDELL: Peace?

BOARD MEMBER PEACE: Here.

SECRETARY WADDELL: Washington?

BOARD MEMBER WASHINGTON: Here.

SECRETARY WADDELL: Moulton-Patterson?

CHAIRPERSON MOULTON-PATTERSON: Here.

Very quickly -- not very quickly on this. I would like to ask everyone to join me in the pledge allegiance first.

1 (Thereupon the Pledge of Allegiance was
2 Recited in unison.)

3 CHAIRPERSON MOULTON-PATTERSON: Thank you very
4 much.

5 And very quickly now I'd like to go to ex partes.
6 And then we're going to take a little break from the rest
7 of our agenda.

8 Mr. Jones, ex partes.

9 BOARD MEMBER JONES: Thank you, Madam Chair.
10 John Cupps this morning. And I got a late FAX
11 and call from patrick Munoz. And I'll deal with that when
12 we get to the consent calendar.

13 Thanks.

14 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

15 BOARD MEMBER PEACE: I'd like to mention I got a
16 letter -- I received a letter from Senator Kuehl which
17 expressed her serious concerns that the Board is not
18 planning to do the rubberized asphalt concrete grants that
19 her legislation called for.

20 I'm concerned, one, because these are harsh
21 criticisms from my appointing authority. But more
22 importantly, I'm told the Board directed staff to do this
23 program.

24 I understand that my predecessors as well as the
25 Special Waste Committee were quite adamant in their

1 direction to use RAC as a primary means to address the
2 state's tire problem. And there may be a good explanation
3 for this as to why staff proposed not doing the program,
4 but I would like to know what that explanation is by the
5 end of the Board meeting today.

6 Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
8 Peace.

9 I am up to date on my ex partes.

10 But just very quickly on that note. I received
11 on behalf of the entire Board the Environmental Awareness
12 Award from the Rubber Pavement Association. And at that
13 time, I told all concerned that the Board was extremely
14 supportive of this, that it was very important to our
15 five-year plan. And I certainly agree with Ms. Peace and
16 I certainly want to answer Senator Kuehl's letter today.
17 I have great respect for Senator Kuehl. And I am, for one
18 Board member, am very supportive of this.

19 Ex partes, Mr. Medina?

20 VICE CHAIRPERSON MEDINA: I received the same
21 letter from Senator Kuehl. And I just want to say that
22 during my tenure at CalTrans, RAC use levels went up the
23 highest they had ever been. And so I continue to be
24 supportive of the use of RAC.

25 And my ex partes are up to date except for one;

1 just a meet-and-greet with John Cupps this morning.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you. And
3 we appreciate your leadership on that, Mr. Medina.

4 Mr. Paparian.

5 BOARD MEMBER PAPARIAN: I'm up to date.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Mr. Washington.

8 BOARD MEMBER WASHINGTON: Thank up, Madam Chair.

9 I'm up to date. And I too received the same
10 letter. But, again, it's my recollection at Special Waste
11 there was no concrete numbers put on this particular
12 Senate Bill. I think it was all preliminary and there was
13 discussions about it. So I believe this can be fixed, and
14 we look forward to moving forward.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

16 And at this time we're really honored that Danny
17 Eaton would come over.

18 And would Danny come forward. And, Tammy, we'd
19 love you to come also.

20 MR. EATON: Hi, guys.

21 CHAIRPERSON MOULTON-PATTERSON: Hi, Danny.

22 Good to see you guys. We miss you.

23 Tammy, thank you for coming. And would you
24 assist me in holding that for just a moment.

25 First of all, this is from the heart, Danny. I

1 have learned so much from you, and we truly miss you. You
2 have been such a leader on this Board. And it's with
3 great pleasure -- I was going to announce this later in
4 the meeting. But since you were such a part in this, I
5 wanted you to know that we are now at a 48 percent
6 statewide diversion number. And a lot of it is due --

7 (Applause.)

8 CHAIRPERSON MOULTON-PATTERSON: -- to your
9 leadership, you holding the feet to the fire on many
10 occasions. And I'm just very grateful. You've done so
11 many things as a member of this Board and as Chair of this
12 Board. You led the good -- well, I shouldn't say fight --
13 the leadership on green buildings and sustainability. And
14 you certainly piqued my interest as a new Board member in
15 that. And we hope to continue your leadership on that
16 issue.

17 And we thank you for coming over. And we know
18 you're very busy at the Legislature right now. But I
19 know -- and I know some of my other Board members are
20 going to want to say a few words. And I will pass the
21 mike. And then we'll give you your proclamation -- or
22 resolution.

23 Who'd like to start?

24 Mr. Jones.

25 BOARD MEMBER JONES: Okay. Yeah, I want to say

1 that --

2 MR. EATON: This is what a funeral must look
3 like.

4 (Laughter.)

5 MR. EATON: But I get to be here.

6 BOARD MEMBER JONES: You get to be at your own
7 tribute.

8 I have to tell you, I've probably served with you
9 as long as anybody. I've served with a lot of Board
10 members. I consider all the Board members to be friends.
11 But I've had two favorites that I've worked with over the
12 years. You're not Number 1. Bob Frizee is Number 1. But
13 you are Number 2. We had our moments. But I think
14 that -- I had an enjoyable time. You added a lot to this
15 Board. And I think that the effort that you put in,
16 people understood. And I appreciated it and I think all
17 the Board members appreciated it. So I wish you nothing
18 but luck. I miss you. And one of these days you and I
19 will get back out on the golf course once you get your
20 other stuff taken care of.

21 CHAIRPERSON MOULTON-PATTERSON: I'd like to turn
22 it over to our Vice Chair, Mr. Medina.

23 VICE CHAIRPERSON MEDINA: Thank you.

24 It's good to see you again. And I want to let
25 you know that when I came the Board I really appreciated

1 how prepared you were on all of the issues that came up,
2 how acknowledgeable you were, and all the assistance that
3 you gave me when I came in. And I was particularly -- I
4 was particularly impressed with the fact that you always
5 stated your positions very clearly, you always supported
6 your positions, and you made all of us reevaluate all of
7 the issues that came before us. And so I greatly
8 appreciate your contributions to this Board and to the
9 Integrated Waste Management Board as you moved it forward
10 during your tenure as president. So I know that you made
11 a lot of contributions, you were there in the transition
12 throughout this change, we came to the new building and
13 everything.

14 So I wish you the best of luck where you are now
15 and that you'll make a contribution there in the
16 Legislature from many years.

17 BOARD MEMBER PAPARIAN: Yeah, Danny, I truly
18 learned from your feistiness on the Board. And I think
19 that, although sometimes at times the staff might not
20 appreciate when I dig deep into some of the issues that I
21 care about, I think I learned from you the necessity to
22 really do that at times for things that we really really
23 care about.

24 And I know that, as was mentioned, you cared
25 about green buildings and you cared about this building.

1 I think that everywhere we walk in this building, it's
2 almost a memorial to your service at the Integrated Waste
3 Management Board. This carpet here is over 50 percent
4 recycled content. And I don't think that carpet would be
5 there with the recycled content if it wasn't for you
6 really fighting over and over and over again until the
7 powers-that-be submitted and agreed that this building
8 needed to be greener than it was originally planned. And
9 they really with your pressure agreed to put in recycled
10 content carpet and do a number of other things in this
11 building to make this building a leader in the
12 environmental arena.

13 BOARD MEMBER WASHINGTON: Thank you.

14 As your successor, let me tell you that it's
15 certainly been a ride, to say the least. The
16 understanding of integrated waste and getting to a 50
17 percent diversion has truly been a remarkable month for
18 me, month and a half so far.

19 Your shoes will be hard to fill, Danny. I tell
20 you, man, I've heard nothing but great things about you.
21 And I hope that I can just contribute as the Assembly
22 representative to this Board.

23 And many of the people don't know that Danny and
24 I go way back when I first ran. There was two people who
25 supported my campaign when I ran for office here in

1 Sacramento. And it was Senator Richard Pulongko and Cruz
2 Bustamante. And Danny at the time was the chief of staff
3 for Cruz Bustamante, who would soon become Speaker
4 Bustamante. And so our relationship goes way back. And I
5 tell you, I'm very proud of your work and what you're
6 doing now and what you will continue to do to make sure
7 California moves forward.

8 God bless you, man.

9 MR. EATON: Thank you. I appreciate it.

10 BOARD MEMBER PEACE: I'd just like to say I've
11 heard some wonderful things about you and all that you
12 have done here when you were a Board member. I'm sorry I
13 won't get a chance to work with you. But I wish you the
14 best of luck in your new position.

15 MR. EATON: Thank you.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. I'm going
17 to give Danny a chance to speak in just a moment. But I
18 do -- I'm not going to read all the "Whereases," but I did
19 want to read this last part.

20 "Now, therefore, be it resolved that the
21 California Integrated Waste Management Board and its staff
22 take great pride in recognizing Board Member Dan Eaton for
23 his leadership, commitment to excellence, and many
24 innovative policy and programmatic contributions to the
25 mission of this Board during his four-year tenure.

1 "Be it further resolved that the Board and its
2 staff wish him much continued success in his return to the
3 Legislature, and we'll always be deeply appreciative of
4 the pivotal role he played in expanding the voice of this
5 entity throughout state government."

6 Thank you, Danny. We miss you.

7 MR. EATON: Very kind. Thanks.

8 (Applause.)

9 MR. EATON: As you know, I may have a public
10 face, but I'm shy in these things.

11 But first I'd like to thank you, Chair
12 Moulton-Patterson, for, one, accommodating me and breaking
13 a little bit from tradition. There's a tradition, as some
14 of you may know, in terms of coming and having a fond send
15 off. Unfortunately I was detained down in Bakersfield
16 with some post-election activity that prevented me from
17 doing it. And Linda was kind enough to say, "When you're
18 ready, come and we'll do it up right for you." And I
19 really, really do appreciate that.

20 To my fellow Board members, it pleases me to no
21 end really to finally see a couple of things. First and
22 foremost, some gender and some ethnic diversity on this
23 Board and some different philosophical viewpoints. When I
24 first came to the Board there was a lot of diversity, but
25 it was diversity of a different sort. And so I think

1 finally for the first time we can say it's not only the
2 Integrated Waste Management Board; it's actually an
3 integrated board of both philosophical, ethnicity and
4 different outlooks. And so I really, really do think that
5 that's a great thing for all of you to pride yourselves
6 on. And I think it's our Governor as well.

7 I'd also like to thank the staff, who probably --
8 I think Mr. Paparian had mentioned very diplomatically
9 that at times I was known to be a little bit more
10 prosecutorial in my questioning than probably I should
11 have been. And for that, for all of you who may have
12 thought that you may have been sort of singled out, you
13 weren't, and I apologize. But sometimes when we all try
14 to do things, we're not always the most, should we say,
15 sensitive in a way, and for that I really do apologize.

16 I do thank you though, however, because I do
17 believe that today's times do call for a special
18 opportunity for us to actually do more than what we have
19 done in the past. When times are tough I think people are
20 looking for different kinds of solutions and maybe are a
21 little more willing to bend in their viewpoints. And so I
22 look at this opportunity right now for the Board to move
23 forward.

24 Some would say that I went -- jumped out of the
25 pan and into the fire. I think I've gone into a bonfire

1 over in the Legislature, my lord, you know. But they seem
2 to call me when times are a little more difficult, going
3 back some 20 years.

4 But I did want to come here and I did really want
5 to stand before you and just really say thank you to each
6 and every one of you for all that you have done. I'm a
7 better person for having served on this Board.

8 It is not difficult when you walk around and see
9 a world such as ours that the work that this Board does
10 actually has an impact. And I really didn't realize it
11 until perhaps the 60 days that since I have left has done
12 me well to actually reflect upon it a little bit more.
13 And I think all of you should be proud of yourselves, and
14 I think that you should never give up and never lose the
15 flame. Because as I've always said time and time again,
16 we're kind of the black sheep of the environmental
17 movement because we provide a basic essential public
18 service in waste management, but yet we're very rarely
19 ever recognized.

20 So for all of the kind words that you have said
21 today but also for all of the things you've done for me in
22 the past, I hope that in some time when I am able to
23 actually engage -- as you well know, I have sort of this
24 conflict of interest kind of provision -- I don't miss, by
25 the way, not reporting ex partes. I love that. It is

1 such an easy thing now to do.

2 But I say thank you, and keep up the good fight.

3 And hopefully we'll have a chance to work together

4 somewhere down the road.

5 And thank you again.

6 (Applause.)

7 CHAIRPERSON MOULTON-PATTERSON: Lastly, I would
8 be remiss if I didn't say it was a double loss, because we
9 lost Tammy Petsalis at the same time, Danny's
10 advisor/chief of staff. And we really appreciated all you
11 did. And it was just a pleasure to get to know you,
12 Tammy. And we wish you the best of luck.

13 MS. PETSALIS: Thank you, Linda.

14 (Applause.)

15 CHAIRPERSON MOULTON-PATTERSON: And so now we can
16 have some photographs.

17 (Photographs taken.)

18 CHAIRPERSON MOULTON-PATTERSON: I just saw Arnie
19 Sowell walk in. And, Arnie, you should have joined us for
20 the photographs. I'm so sorry I didn't see you before.

21 We miss you too, Arnie. But we keep continuing
22 to work with you, and we appreciate all your efforts on
23 our behalf. Thank you.

24 (Applause.)

25 CHAIRPERSON MOULTON-PATTERSON: We're going to

1 skip our reports, and we'll come back to those reports.

2 We do have Assemblywoman Reyes with us. And I
3 know you have a very busy schedule. We have a short
4 video, but we can show it after if you would like to
5 address us first. We want to extend that courtesy to you.
6 And we really appreciate you coming over.

7 ASSEMBLYMEMBER REYES: Thank you.

8 I would love to stay for the video. It just
9 delays us -- Mr. Washington will tell you, it just delays
10 us getting a quorum, which isn't a bad thing on the
11 beginning of a week.

12 Thank you all for inviting me and allowing me to
13 come today to speak to you. Some familiar faces. I've
14 served with Carl Washington. And Jose Medina, worked with
15 him as he was at CalTrans. And Cheryl Peace's -- you got
16 to be a lot nicer than your husband.

17 (Laughter.)

18 ASSEMBLYMEMBER REYES: But I served well with
19 Steve Peace. And now we're working -- I don't know if
20 we're working well together with him as Department of
21 Finance Chair, but it will be fun.

22 But I'm glad to be here today. Today I'm here to
23 ask the California Integrated Waste Management Board to
24 help with extinguishing a problem in my district. And I
25 represent the 31st Assembly District in the State of

1 California. The 31st Assembly District incorporates half
2 the City of Fresno. And that is where currently the
3 problem is. And there is also this problem throughout the
4 State of California.

5 As we speak, as you know, there is a fire that
6 has been burning since January 11th at the Archie Crippen
7 excavation site in Fresno. This is a construction and
8 demolition waste processing facility that takes in about
9 40 tons of materials per day.

10 This fire, believe it or not, as I said, has been
11 burning for about a month. And they don't anticipate
12 actually getting it under control for another two weeks.
13 And during this time the fire has continued to put
14 pollutants in the valley air that is already in bad
15 situations.

16 As a result of this fire, the workers at this
17 facility have been put at risk as well as workers around
18 the facility. Children have been told not to play
19 outside. And residents living within the area are also
20 told to stay inside, as well as soot and smoke entering
21 their residence. And the public health and safety and the
22 environment has been seriously endangered.

23 The sad thing about this fire though is that it
24 should never have happened.

25 Let me share with you a little bit about the

1 health problems my constituents are experiencing today.

2 Recently we offered a free health screening to
3 the residents who live around the Crippen fire site who
4 were complaining about health problems. More than 200
5 men, women and children sought medical attention from
6 medical assistants, nurses and doctors who all volunteered
7 their time at the health screening.

8 More than 80 people had to be sent down the hall
9 at the facility that we held it at to see a doctor. Six
10 of those people had to be sent to the emergency room
11 immediately. And as I watched one child being taken away
12 in an ambulance to get medical attention, I fully
13 understood the seriousness of this situation.

14 We have children and adults who didn't have a
15 problem breathing before this fire and now they're being
16 sent to the emergency room with respiratory problems. I
17 have constituents calling my office on a daily basis, all
18 with the same story.

19 I don't know about you, but I can't stand by and
20 let residents in my district become sick because of
21 something that really could have been prevented. My
22 constituents in southwest Fresno had been waving the red
23 flags to state officials, of this agency, as well as to
24 local officials at the city and county level about the
25 potential risk and hazards that the Crippen site could

1 contain. They've been raising those red flags for four
2 full years. Nothing was done and nobody listened. Their
3 pleas for help went unnoticed. Their evidence that showed
4 that more than what the site was supposed to take in was
5 being dumped there went unnoticed.

6 Now, we have a situation that has affected
7 drastically the health effects of residents living in the
8 Fresno area and throughout the Central Valley. Because of
9 that, I wanted to let you know, I have introduced Assembly
10 Bill 240, with the intent that the solid waste facilities
11 like the Crippen site would be required to file for a full
12 solid waste permit and be held to the same checkups and
13 inspections like their larger counterparts. AB 240 would
14 also mandate that the owners of these sites be financially
15 responsible for cleaning up the facilities if in fact a
16 situation like the Crippen fire were to take place.

17 Operators across the state should be required to
18 hold a full solid waste facility permit. And they should
19 be required to operate in such a fashion so that this fire
20 does not happen again in my district or anywhere else in
21 the State of California.

22 But as I persist with legislation that will clean
23 up regulations on solid waste facilities, I'm asking you
24 today, as members of the California Integrated Waste
25 Management Board, to push for emergency regulations. You

1 have the ability to do that. And those regulations would
2 benefit all solid waste facilities throughout the State of
3 California. I would ask you to do the same type of
4 regulations as AB 240 and require that no person shall
5 operate a solid waste facility to process and receive
6 construction and demolition waste without a full solid
7 waste permit; require that no operator of a solid waste
8 facility required to have a permit shall accumulate or
9 store on-site in excess of 500 cubic yards of construction
10 and demolition waste at any one time.

11 The Board should also assist operators that
12 process or receive construction and demolition waste to
13 obtain a full solid waste facilities permit and require
14 that all construction and demolition waste sites and solid
15 waste facilities be financially responsible for clean up
16 of future catastrophes.

17 It is in the best interests of the state to enact
18 these regulations quickly so we can better protect the
19 people we serve. Don't let the evidence of this problem
20 at the Archie Crippen site go unnoticed again. Four years
21 is way too long for this Board to do its job and for the
22 State of California to intercede and ensuring the safety
23 of all Californians and in particular the residents of
24 southwest Fresno.

25 The Crippen fire should serve as an example to

1 everybody of what happens when you overlook the signs and
2 the evidence and don't regulate these solid waste
3 facilities. It is my hope that this Board will carefully
4 and diligently work towards creative solutions that will
5 benefit my constituents and the environment, and to do it
6 in a timely manner.

7 I will tell you that I have met with your
8 Executive Director. We have talked about my intentions to
9 move forward with legislation. And I have told him, and I
10 will tell you today, that I will work closely with you to
11 make sure that we can work and deal with this problem
12 together. But I will also tell you, and I think Carl
13 Washington will tell you this, I can be very persistent in
14 making sure that ultimately we protect the people of
15 California.

16 I have seen the damage of the Archie Crippen fire
17 site. You may not know where southwest Fresno is. You
18 may not know the residents of southwest Fresno. But I
19 will tell you, unfortunately they are surrounded by
20 facilities like this. They're surrounded by facilities
21 like this because they live in a poor neighborhood where
22 nobody cares about. That shouldn't happen. And
23 environmental justice laws in this state were designed and
24 passed and signed -- passed by the Legislature and signed
25 into law by the Governor to protect neighborhoods like

1 that.

2 And so I would hope that you would join with me
3 in working together to make sure that we do get this under
4 control. I would also urge you to pass the recommendation
5 of staff to assist in paying for the site because -- the
6 clean up of the site because the numbers, as we continue
7 to have the site going on -- this fire going on, the
8 numbers and the costs of that clean up is enormous. And
9 we will need that assistance. And so I would also urge
10 you to pass that as well.

11 I will take any questions. And I would gladly
12 stay to watch the video.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
14 Reyes. And I just want to thank you very much for coming
15 and speaking with us, and to let you know that we are very
16 concerned about this.

17 We are very proud that the minute I heard about
18 this, I said, "Go down there. Do anything we can." And I
19 know I had the support of my colleagues without even
20 asking. So we didn't point fingers on who's responsible,
21 who should go and all that. We went and we're proud of
22 that.

23 But this Board is totally committed to public
24 health and safety and environmental justice. And I would
25 certainly -- Mr. Leary, before I turn it over to others,

1 we need to initiate an effort to assess these sites of
2 this nature that are clearly in violation of any
3 reasonable interpretation of the solid waste management
4 laws and regulations. As allegation have been made that
5 these sites may also contain hazardous waste and are a
6 threat to worker health and safety, I'd like to -- like
7 our efforts to include collaboration with the Department
8 of Toxic Substances Control and CalOSHA.

9 As soon as possible, I would like you to get back
10 to this Board on the development of this focus
11 collaborative surveillance and enforcement effort. We're
12 very concerned. And we know the people that can least
13 represent themselves are hurt by this. And I express our
14 deep concern. And we want to work with you, Assemblywoman
15 Reyes.

16 And I know other Board members would like to
17 comment.

18 And I'll turn it over to Mr. Paparian.

19 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

20 We're poised next month to adopt regulations that
21 will regulate all these facilities. And at 100 tons a day
22 the facilities will be subject to the same level of
23 enforcement and inspection, no matter what type of
24 facility they are. From 0 to 100 tons a day they'll be
25 subject to quarterly inspections.

1 The concern that I've had, and I've expressed
2 this before in other context, is that our enforcement
3 efforts could be beefed up. Over the last decade -- if
4 you want to try to guess how many fines we've levied
5 against facilities in the last decade, I believe it's two,
6 if I'm not mistaken, in a decade.

7 As a routine matter we don't have surprise
8 inspections of facilities. And as the Chair mentioned,
9 there have been concerns, and I think very legitimate
10 concerns, raised about worker safety at facilities.

11 So I think what we may need to do is look beyond
12 the regulations that we're about to adopt and look at ways
13 to assure that there are regular surprise inspections of
14 all facilities; that there is a more stringent enforcement
15 ethic where fines are levied where appropriate; and that
16 we do something like OSHA or cross training of LEA's and
17 our inspection staff to assure that if they find
18 violations or if they see a potential violation of an
19 OSHA-related item, they'll immediately bring in the OSHA
20 folks, who can then assess that potential violation and
21 take the necessary steps they need to take to protect the
22 workers at those sites.

23 So I'm not sure, Madam Chair, yet what form I
24 would like those suggestions to take, but I'm very serious
25 about pursuing those. I think --

1 CHAIRPERSON MOULTON-PATTERSON: I'm very
2 supportive of that.

3 BOARD MEMBER PAPARIAN: -- the time has really
4 come to deal with surprise inspections, increased
5 enforcement through penalties, and the question of worker
6 safety at these facilities.

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

8 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

9 I've been on this Board two months, Ms. Reyes,
10 and the response that has been given as to the authority
11 of this Board is absolutely ridiculous.

12 This Board really has no power to regulate any of
13 those things that you've mentioned. And I don't want us
14 to fool ourselves -- because we could sit here and give
15 you a dance and pony show and tell you, yes, we're going
16 to support you and all that. But until we get the
17 authority to do so -- and that's why I'm prepared to come
18 over and talk with you about introducing legislation that
19 gives us statutory authority to do something about the
20 problem that you're speaking to.

21 Because one of the things I've found out when I
22 went down to that site is that everybody was passing the
23 buck. The City of Fresno passes it to the county. The
24 county said, no, it was the city. And the city said,
25 "Well, we couldn't do nothing because the state doesn't

1 require us to do anything."

2 And that's where all this stuff is at. And so
3 I've been here and I've been harping and I've been crying
4 about having public hearings at every level, every tier of
5 any permit. When they apply for an application to open a
6 facility, there should be public input. The community is
7 at risk. And nobody wants to sit here and say it's in
8 their backyards until it happens in their backyard. And
9 I'm not supportive of that.

10 I want to make sure that we do something
11 substantial that's going to move this Board forward.
12 We're a state agency. We should have some authority to do
13 something about what you just spoke about. At this point,
14 Ms. Reyes, we don't have any authority to do anything.

15 So we appreciate you coming over. We appreciate
16 you having your input. And we do look forward to your
17 legislation, and perhaps more legislation that would give
18 us some statutory authority to do something about what's
19 taking place. It's criminal what is going on in the state
20 of California in terms of issuing these type of permits
21 out, and then not having the ability to do anything about
22 it. Because we pass it to LEA's and then they're
23 restricted by so much of what they can do, and that's the
24 end of the story. It comes back to the Board. If we
25 don't approve it, then it automatically becomes okay. And

1 I mean it's unbelievable what is taking place. And I want
2 to see some of these things changed before I leave this
3 Board to make sure that this Board really do have some
4 authority to do something.

5 I think Mr. Jones has said it several times when
6 he said, "You know, it's good, Carl, to hold public
7 hearings. But you can do nothing with holding public
8 hearings." He absolutely is correct. We need authority
9 to do something.

10 And I'll be glad, as well as I know any Board
11 member would be glad, to come down, hold public hearings
12 all over the State of California as relates -- we have
13 about 15 items that I pulled to have discussions about
14 issuing these permits out. And everybody I asked, no one
15 has went to the public to ask their opinion, because they
16 believe that the public opinion is a committee made up of
17 three members who make up a planning commission that meets
18 Monday at 930 a.m. when the entire community is at work
19 and have no input on what they said that goes on on the
20 type of permits they issue.

21 So I want to see some real legislation go forward
22 that's going to do something about this issue, and not
23 have you guys come over here. And I told this Board that
24 they're going to start a trail blaze over here because
25 members of the Legislature is going to come because it's

1 in their communities and their citizens are the ones who
2 are suffering from it.

3 And so I appreciate you coming.

4 And I thank you, Madam Chair, for giving me an
5 opportunity to speak.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
7 Washington.

8 Mr. Medina.

9 VICE CHAIRPERSON MEDINA: Yes. I'm also glad to
10 see you here on this particular issue. And let me just
11 say that whatever authority we have, limited though it may
12 be, we will make use of that authority and any resources,
13 as our Chairwoman has indicated, that we have already
14 committed to this situation.

15 And I don't think it's any secret the minority
16 communities and the economically disadvantaged have been
17 disproportionately impacted. I saw that when I was at
18 CalTrans and I saw where all the freeways had been run
19 through certain neighborhoods as opposed to others. And
20 these situations are made worse when you have a fire like
21 you have had here in Fresno. It was bad before. It's
22 made even worse. We've seen this in the kind of fires
23 that they've had in Richmond here in the Bay Area.

24 And so when we talk about economic justice, we
25 can't just refer to the residents of those areas as

1 victims and perceive them as victims. But as we move
2 forward to commit resources, we need those persons to sit
3 down at the table and have a voice in terms of what
4 solutions are going to be developed and how those
5 solutions are going to be implemented.

6 Towards that end, I requested, and the Board
7 approved, a study of minority communities in the waste
8 stream, because whatever resources we had and however we
9 can mitigate impacts of any future location of any
10 facilities that have to do with waste management, we want
11 those communities to have a voice in that process.

12 I know that, for example, we funded the
13 California Highway Patrol to do flyovers over urban
14 neighborhoods. And they have uncovered numerous waste
15 tire sites that are located in low income communities in
16 urban centers that if they ever catch fire, the impacts
17 will be as devastating as the fire in Fresno.

18 And so we have a lot of issues before us. And
19 let me just say that all of us on this Board are committed
20 to addressing those kind of situations.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
22 Medina.

23 Ms. Peace.

24 BOARD MEMBER PEACE: Thank you, Assemblywoman
25 Reyes, for being here.

1 I share your concern for the public health and
2 safety for the protection of the environment. And right
3 now I would like to call for all the LEA's by the next
4 Board meeting in March to have a full inventory of all C&D
5 facilities, illegal disposal sites, and other stockpiled
6 areas that are at present a threat to the public health
7 and safety. I'd like a list of all of those.

8 Then I would like to have them ranked by site,
9 and to give the Board a plan and a timeline to remediate
10 them, starting with the worst.

11 I would like to know from the staff what fines,
12 penalties, and recovery costs -- cost recovery options are
13 available to the Board.

14 I'd also like to make sure at some point that
15 LEA's, whether they're in these regulations, future
16 regulations, that LEA's do four unannounced inspections a
17 year, and for the Board staff to do the same. So like you
18 can't go tell your kids you're going to check your room
19 for drugs on Monday. You know, you have to have
20 unannounced inspections.

21 Also what I'd like to see in the regulations that
22 were working, I'd like to make sure that sites have to
23 post a liability bond or a financial instrument for the
24 cleanup or closure of sites like the Crippen site. I'd
25 also like to make sure that all the sites are required to

1 have fire lanes and fire suppression equipment on site
2 similar to the requirements in our tire regulations.

3 And I'd like all these things to be by the next
4 board meeting. I'd like to know all these things.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
6 Peace.

7 I certainly support you. And we don't want this
8 to ever happen again.

9 Mr. Jones.

10 BOARD MEMBER JONES: Thank you, Madam Chair.

11 Thank you, Member Reyes. I appreciate it.

12 I do know where that part of Fresno is. I've
13 been down there quite a few times, and I was down there
14 right after the fire started and looked at our activity.

15 It probably doesn't make the situation any
16 better. But I have to tell you that Todd Thalhamer from
17 our staff, when he went down there and is working with
18 other agencies, has represented this Board well --

19 ASSEMBLYMEMBER REYES: I would agree.

20 BOARD MEMBER JONES: -- and I think that we've
21 tried to make an impact.

22 I'm not going to reiterate anything that the
23 members have already said because I believe in most of
24 that stuff. I also -- because we are in middle of C&D
25 regs, there's different points of view. We were ready to

1 approve C&D regs about four -- three or four years ago.
2 We were actually at the meeting that we were going to
3 approve those regs. Another issue came out about C&D
4 landfilling and fees associated with it that actually
5 prompted this Board -- forced this Board because of
6 legislation to stop that process and try to figure out
7 what was going on with that new issue. And it delayed us.
8 And it's not a good thing to happen. But I just wanted
9 you to know that this Board was ready to do that four
10 years ago.

11 We'll get through this thing. I think the fire,
12 unfortunately, brings a lot of issues to light that had
13 been discussed in the past. I think Ms. Peace's
14 request -- and I think that LEA's have been requested to
15 do this already -- I'm not sure if they did or not -- as
16 part of a discussion before she came here. But I'm not
17 sure if they ever did tell us where all of those sites
18 are, because they're all over the place. And you've got a
19 few in your district -- unfortunately, you've got one in
20 your district that seems to move all over the valley,
21 create these disasters, and then leave.

22 So it does require a skillful hand to try to put
23 together regulations that protect health and safety and
24 still allow recycling of that material or environmentally
25 safe disposal of that material. So I'm glad that you're

1 going to work with us. And I think all the Board members
2 are committed to trying to figure out what makes sense.

3 My problem, especially since the fire, and in
4 looking at a couple of other facilities in your district
5 that I went by and looked at, is that some of these ones
6 pop up and accumulate so much stuff so fast that we're
7 going to really have to look at what that threshold is and
8 we're going to have to look at the ability for LEA's to
9 put site-specific conditions on these facilities to
10 protect it. Because in some cases 500 cubic yards is not
11 enough material to have on-site to ever process. You
12 can't afford to bring the machinery.

13 So we're going to have to work on the real facts
14 about what's going to make sense both from a recycling
15 standpoint and a health and safety standpoint. Fire lanes
16 and whatever to make sure that we've minimized the risk
17 but so that there's still the ability to process that
18 material economically. Otherwise it's all going to end up
19 in landfill.

20 But I'm committed to working with my fellow Board
21 members and your office to do whatever I can to help come
22 to a conclusion here.

23 ASSEMBLYMEMBER REYES: Thank you.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
25 Jones.

1 And I think, Assemblywoman Reyes, you can see
2 that we are sincere about our commitment to you. We want
3 to solve this problem. The idea of unannounced visits
4 makes total sense. And we've got a lot of work ahead of
5 us.

6 We do a lot of great things at this Board. But I
7 think maybe some of the things that we do have to be set
8 aside, and we're just going to have to put more resources
9 into enforcement.

10 ASSEMBLYMEMBER REYES: Madam Chair, may I say in
11 closing that I fully support the unannounced visits.
12 Because what you will learn or have learned about the
13 Crippen site is the fact that he was licensed -- not even
14 licensed -- he was permitted at that time to only take in
15 asphalt and concrete. And what we have found as we've
16 fought this fire is he was taking everything else in. So
17 he was actually in violation of his conditional use
18 permit, hence the finger pointing. And so an unannounced
19 inspection would have been able to find that. If you
20 announce it that day, he just decides -- or that week
21 decides not to take in that other material that he's not
22 supposed to or she's not supposed to take in. And so I
23 fully support that.

24 I would also say that, you know, the residents of
25 southwest Fresno aren't victims. We made them victims.

1 They for four years have raised the red flag and they have
2 told city officials, county officials and state officials
3 that this was going on, not only at the Crippen site. At
4 other facilities, as Member Jones has mentioned, around
5 there, that are also in violation. And they have
6 continually raised that red flag. We made them victims
7 when we didn't listen to them. And now they are the
8 victims of the Crippen site. And I would hope that we'd
9 give them their right back to advocacy and do something
10 different.

11 And for Member Washington, you know how tenacious
12 I am. If I need to give you more power in order to make
13 sure the public has a say as well as we have protection of
14 poor residents in neighborhoods, I will do that. And I
15 will work closely with you as I have in the past to make
16 sure that that happens.

17 And I would take any suggestions. I mean we have
18 a bill now that I would be willing to work with this
19 agency as well as the Board members to include other
20 things in the bill to make sure that we strengthen these
21 laws.

22 But ultimately what needs to happen is -- we
23 understand we need these recycling facilities. It's
24 important for to us to recycle the materials. But do we
25 need to have a recycling facility that's going to then

1 damage the environment? That is kind of an oxymoron when
2 you look at it. And so what we have to remember is that
3 while we try and move forward, that we put the regulations
4 and the restrictions on these facilities so that they
5 don't do what they're doing now, in some cases, of
6 destroying the environment. Not all. There are many
7 facilities in my district that are very clean, that follow
8 the law, that do their work well and are protecting the
9 environment. We need to make sure we don't affect them,
10 but that we do affect the people who are moving around my
11 district and everywhere else in the State of California
12 and people who are going past their conditional use
13 permits and taking other materials in as well.

14 And so I pledge to working with you and keeping
15 the style ongoing, not only for my -- residents in my
16 district, but more in particular for all those
17 neighborhoods that Member Medina talked about, as the CHP
18 flies over and sees the piles of tires or other things
19 that are going on. Because potentially this can happen
20 anywhere and it has happened in other parts of the State
21 of California.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you very
23 much.

24 At this time I'm going to turn it over to Mr.
25 Leary to give our report.

1 EXECUTIVE DIRECTOR LEARY: Thank you, Madam

2 Chair. Good morning, members.

3 My Executive Director report actually --

4 CHAIRPERSON MOULTON-PATTERSON: Well, actually I
5 meant let's go on with Number 8.

6 EXECUTIVE DIRECTOR LEARY: All right. If you
7 want to go on to Agenda Item 8, I will do my Executive
8 Director's report a little later this today.

9 CHAIRPERSON MOULTON-PATTERSON: Yes.

10 Sorry.

11 EXECUTIVE DIRECTOR LEARY: No, that's all right.
12 I mistook you.

13 Agenda Item 8 is ratification of our emergency
14 action and consideration of approval of the Archie Griffin
15 site for the solid waste disposal and codisposal site
16 cleanup program.

17 As the members have attested and Assemblymember
18 Reyes acknowledged there's been a lot of effort on the
19 BOARD staff in responding to that fire. And the person
20 kind of up to speed on the day-to-day interactions of
21 course is our acting deputy director, Scott Walker, who's
22 in touch with Todd Thalhamer at the site on a, if not an
23 hour-to-hour, certainly day-to-day basis.

24 So I'll turn it over to Scott for his
25 presentation.

1 ACTING DEPUTY DIRECTOR WALKER: Thank you.

2 Scott Walker, Permitting and Enforcement
3 Division.

4 I have great news. Yesterday we got word
5 unofficially that the main fire is out.

6 There will be an official announcement scheduled
7 today for 2:30 at the site. And so that is quite
8 wonderful news after 26 days of fire suppression
9 activities.

10 Before I get into the item, I'd like to first
11 have Frank start the video to just give the Board and the
12 audience a -- to show some early stages of the fire to see
13 what really we were faced with.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.

15 (Thereupon a video was played.)

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 (Thereupon an overhead presentation was
18 Presented as follows.)

19 ACTING DEPUTY DIRECTOR WALKER: The purpose of
20 this item is consider ratification and approval of the
21 Board Chair's direction to expend funds for emergency
22 assistance at the Crippen site fire pursuant to the solid
23 waste cleanup, or AB 2136, program.

24 I'd like to acknowledge key staff on this project
25 who have risen well to meet the extreme challenges of this

1 case. And of course there's Todd Thalhamer, who's our
2 fire expert and is our key person in the field. But I'd
3 also like to acknowledge other individuals, including Wes
4 Mindermann, Virginia Rosales, Mark de Bie, Sue Markie,
5 Albert Johnson, Steve Levine, Michael Bledsoe, and Frank
6 Simpson.

7 We have also had excellent collaboration with
8 CalEPA agencies and boards and departments and other
9 agencies also in this project.

10 --o0o--

11 ACTING DEPUTY DIRECTOR WALKER: This presentation
12 will cover a brief run-through of the overview of the
13 solid waste cleanup program, a chronology of the emergency
14 state response, a description of the site, a summary of
15 cleanup costs -- cleanup project and costs, and
16 implementation of enforcement cost recovery actions.

17 --o0o--

18 ACTING DEPUTY DIRECTOR WALKER: In terms of the
19 solid waste cleanup program, we talked a little bit more
20 about this at the Committee meeting for the benefit of new
21 Board members. And we do plan to have a more broader
22 item -- discussion item to present the program in the near
23 future. But essentially the solid waste cleanup program
24 assists in clean up of solid waste disposal and codisposal
25 sites where responsible parties cannot be identified or

1 are unable or unwilling to perform timely cleanups.

2 Staff reviews proposed projects for compliance
3 with approved criteria. And then projects meeting
4 approved criteria are brought to the Board for
5 consideration or approval on a continuous basis.

6 Since inception in 1994 the program has cleaned
7 up approximately 200 sites, including many of the most
8 egregious and intractable cleanup and enforcement cases
9 that we've encountered, like Crippen.

10 And with that I'll shift into the chronology -- a
11 quick run-through of the chronology of the emergency and
12 the state response.

13 Again, as mentioned in the video, on January 11th
14 were the initial response to the fire by the local fire
15 authorities. And it was pretty clear that this fire got
16 out of hand. And by the 13th, the air district issues
17 notice of violations regarding smoke complaints and other
18 aspects of the fire.

19 And on the 14th, it really significantly
20 worsened. And at that point Tim Casagram, the Director of
21 Environmental Health, who oversees the LEA program called
22 me up and requested that we send assistance to the site as
23 soon as we could. And I called him back, I told him Todd
24 Thalhamer would be there ASAP. And Todd was down there
25 first thing the following morning, on the 15th.

1 And on that day, essentially it was clear that
2 this particular fire was beyond the capabilities of the
3 locals. It was a very complex type of fire, exhibiting
4 landfill-type fire aspects, which is deep-seated fires
5 that you see sometimes in landfills, very complicated.
6 It's not a normal surface-type fire. And the Board, Todd
7 and our contractors have specific experience on this. And
8 it was determined very early that the agencies on the site
9 needed specialized assistance to put this fire out. And
10 they requested the Board to provide this.

11 On the 16th, in the morning, the Board Chair
12 directed the use of the solid waste cleanup program
13 contractor to assist in this fire suppression. This
14 triggered a quick series of events which entailed
15 mobilization of heavy equipment and our contractor to the
16 site to put out the fire.

17 In addition, on the 16th, because of the
18 emergency situation, a unified command was established.
19 And this unified command is -- the on-scene coordinator is
20 Office Emergency Services, and it was designated the
21 Marks-Nielsen Fire Event.

22 The unified command for this event includes
23 representatives from state and local fire authorities, the
24 City of Fresno, police department, County Environmental
25 Health Department, local air district, and U.S. EPA.

1 The unified command tasks the Board's role as
2 heavy operations. The Board also represents CalEPA in the
3 field. And personnel from CalEPA Agency and boards and
4 departments convened early here in Sacramento, and we
5 periodically meet to ensure collaboration of providing any
6 necessary assistance.

7 --o0o--

8 ACTING DEPUTY DIRECTOR WALKER: On the 17th
9 because of the unique situation in the valley, with the
10 air inversion, especially this time of the year, with high
11 pressure causing air to be trapped near the surface, the
12 fire accumulates particulate matter within the populated
13 areas. And this created an extreme fire condition -- or
14 extreme air pollution condition public health hazard with
15 respect to what's called particulate matter, which is
16 smoke.

17 On the 18th -- oh, and the air district did issue
18 some additional advice due to these peak particulate
19 matter conditions. And the Air Resources Board with the
20 district had set up many additional monitors around the
21 area to make sure that it was being monitored, properly
22 sampled. And we were tracking where these smoke areas
23 would really show up in the community to get the guidance
24 out.

25 And on the 18th, we were fully mobilized. And

1 the contractor -- our contractor, Guinn Construction, with
2 the subcontract Sukut, we started breaking into the pile.
3 And as we started to break into the pile, by the 19th the
4 air quality had improved, but particulate matter was still
5 a hazard.

6 I'll talk a little bit more about how actually
7 we'd work on this fire and what the contractors do. But
8 by the 19th the air quality had improved, but particulate
9 matter is still a hazard and it -- depending upon the
10 given meteorological conditions, it worsened -- it worsens
11 from time to time.

12 On the 23rd the city and county declared a local
13 emergency.

14 And then also on the 23rd there was a townhall
15 meeting where a lot of public -- the publics were allowed
16 to meet with their local officials and express their
17 concerns.

18 We had some really good progress going. We felt
19 we were about 70 percent. But, unfortunately, on the 30th
20 we detected what's called a deep zone. And this is also
21 termed as a worm hole. And it's a very deep symmelus hot
22 zone that went way underneath an in the deep areas in the
23 center of the pile. And this clearly indicated that this
24 problem was a lot worse than we had originally hoped for,
25 and it would delay the end of suppression by anywhere from

1 7 to 10 days.

2 And, again, as of yesterday the fire is out.

3 --o0o--

4 ACTING DEPUTY DIRECTOR WALKER: I'm going to show
5 just some selected photos.

6 This gives you some idea of the smoke emanating
7 from the pile. And this was taken on the 21st.

8 --o0o--

9 ACTING DEPUTY DIRECTOR WALKER: Taken also on the
10 21st, and shows some of the hazardous conditions that we
11 encountered with our contractors.

12 --o0o--

13 ACTING DEPUTY DIRECTOR WALKER: This is the worm
14 hole. We also call it the gates of hell, the mouth of the
15 dragon. And this is what delayed us considerable time.

16 --o0o--

17 ACTING DEPUTY DIRECTOR WALKER: Brief description
18 of the Crippen site. The descriptions of the site are
19 based on observations reported by Todd Thalhamer and our
20 contractor, site visit conducted the week before last by
21 Sue Markie our EA program -- enforcement agency program,
22 and also Wes Mindermann. And also prefire observations
23 and data compiled by permitting and inspection staff.

24 The Archie Crippen site is located again in
25 southwest Fresno, where the intersection of North Marks

1 and Nielsen Avenues. Surrounding land use includes
2 commercial industrial and open space. Residential
3 housing, including a trailer park is located from one
4 quarter to one half mile from the site.

5 Demographic information from the 2000 census
6 indicates that the local community has a high percentage
7 of minority and low income residents.

8 --o0o--

9 ACTING DEPUTY DIRECTOR WALKER: There's four main
10 areas of the site. And this shows you an aerial. And we
11 have kind of broken it out into these four specific areas.
12 But our main areas is this fire exclusion zone, which
13 we'll talk about a little bit more in detail.

14 Based on GPS surveys in the field, the main waste
15 pile under the fire exclusion zone covers about 4.9 acres
16 of heights ranging from 10 to 20 and up to 25 or 30 feet.

17 The estimated volume in the field was -- early on
18 was on the order of 80,000 to 160,000 cubic yards. And I
19 think we think that it really is kind up near the higher
20 end. However, with the fire and with the water, you're
21 seeing settlement and so it's broken down a bit. So the
22 residual will be less than that, but that will be
23 something to update at a later date.

24 --o0o--

25 ACTING DEPUTY DIRECTOR WALKER: Material in the

1 fire exclusion zone essentially consists of mainly wood
2 from building demolition sources, inert debris and soil,
3 stumps, wood from trees, and scrap metal from various
4 sources.

5 You do see some plastic pipe, roofing materials,
6 carpet and mattress furnishings and other construction and
7 demolition debris. And they're basically occasionally
8 observed and difficult to really see within the fire zone
9 because you've got all this water and liquid and mud out
10 there.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Walker, may I
12 ask a question?

13 ACTING DEPUTY DIRECTOR WALKER: Yes.

14 CHAIRPERSON MOULTON-PATTERSON: You know, without
15 pointing fingers or anything like that, I'm just appalled
16 that something like this could develop. I mean this is
17 huge. How did this get by everybody?

18 ACTING DEPUTY DIRECTOR WALKER: Well, we have
19 done some -- looking at some of the records. And
20 basically there was a conditional use permit issued in
21 1980. And this was transferred from the county to the
22 city jurisdiction. And what happened -- you know, and
23 again there a number of investigations ongoing. So, you
24 know, we will be reporting back with more final
25 determinations and consultation with the legal staff.

1 But the CUP was issued through our solid waste
2 processing, recycling and material storage for concrete,
3 asphalt and what are called Group 3 materials. And Group
4 3 materials, the definition is restricted to 10 percent
5 wood. So clearly with this conditional use permit there's
6 a disconnect between what's allowed for in a conditional
7 use permit and what happened. So there was a problem with
8 enforcement of that conditional use permit.

9 In the records there were some complaints in the
10 '90's, and the LEA had those complaints and forwarded a
11 number of those complaints to the agency with authority
12 over the CUP, which was the city Code Enforcement and
13 Planning Department. And there was a number of
14 investigations and activities that went on.

15 In 1994, the city basically informed the LEA that
16 wood storage uses were allowed by zoning basically. But
17 they did require that certain concrete processing areas
18 were not allowed in the CUP, and they did what was called
19 an administrative amendment to allow them to expand their
20 concrete operations in an adjacent parcel.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
22 Walker. Well, you know, it's certainly unacceptable to
23 all the Board members that something like this could
24 happen, something of this magnitude. And, Mr. Leary,
25 you've heard a lot of concerns from the Board members

1 regarding enforcement. I'd like to ask you to agendize
2 this for March. And please report back to us on the
3 suggestions you've heard on enforcement.

4 And with that I would like to go ahead and move
5 this along and ratify the emergency action, both Number 8,
6 and then I understand I'm supposed to read that we did --
7 It's important I get this in the record -- that we added
8 Number 71 by giving a 48-hour notice to public and to the
9 media. I think it was on the Internet as well. And that
10 we will hear 71 after 8.

11 Mr. Washington.

12 BOARD MEMBER WASHINGTON: Madam Chair, I'd like
13 to move adoption of resolution 2003-86, ratification of
14 the emergency action and consideration of approval of the
15 Archie Crippen site, Fresno County, for the solid waste
16 disposal and codisposal site cleanup program.

17 BOARD MEMBER PAPARIAN: Second.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you.

19 We have a motion by Mr. Washington, seconded by
20 Mr. Medina to approve Resolution 2003-86 revised.

21 Please call the roll.

22 SECRETARY WADDELL: Jones?

23 BOARD MEMBER JONES: Aye.

24 SECRETARY WADDELL: Medina?

25 VICE CHAIRPERSON MEDINA: Aye.

1 SECRETARY WADDELL: Paparian?

2 BOARD MEMBER PAPARIAN: Aye.

3 SECRETARY WADDELL: Peace?

4 BOARD MEMBER PEACE: Aye.

5 SECRETARY WADDELL: Washington?

6 BOARD MEMBER WASHINGTON: Aye.

7 SECRETARY WADDELL: Moulton Patterson?

8 CHAIRPERSON MOULTON-PATTERSON: Aye.

9 We'll go directly to 71.

10 Thank you, Mr. Walker.

11 ACTING DEPUTY DIRECTOR WALKER: Scott Walker,
12 Permitting and Enforcement Division. And I'll make this
13 very quick.

14 As directed by the Committee, the previous
15 resolution to approve Item 8 was revised to cap at
16 \$992,000, but that the direction was to provide for an
17 emergency augmentation to be considered by the Board for
18 approval to allow the Chair to direct additional funds if
19 needed for further emergency actions.

20 And so, therefore, this item would do that.

21 And, in conclusion, staff would recommend the
22 adoption of Resolution Number 2003-86 to augment contract
23 IWM-C0106B with Irv Guinn Construction Company,
24 Incorporated, in the amount of \$750,000 the Solid Waste
25 Cleanup Program Trust Fund.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Mr. Washington.

3 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

4 I'd like to move adoption of Resolution 2003-143,
5 the consideration of augmentation for the environmental
6 services contract for landfill and disposal site
7 remediation, IMW-C0106B; this item added due to the need
8 for immediate action with 48-hour notice to media and on
9 Board Internet sites. As well as the item that Mr. Walker
10 brought up, Resolution 2003-87, I believe, that applies to
11 resources.

12 VICE CHAIRPERSON MEDINA: Second.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
14 Washington.

15 We have a motion by Mr. Washington, seconded by
16 Mr. Medina, to approve Resolution 2003-143.

17 Please call the roll.

18 SECRETARY WADDELL: Jones?

19 BOARD MEMBER JONES: Aye.

20 SECRETARY WADDELL: Medina?

21 VICE CHAIRPERSON MEDINA: Aye.

22 SECRETARY WADDELL: Paparian?

23 BOARD MEMBER PAPARIAN: Aye.

24 SECRETARY WADDELL: Peace?

25 BOARD MEMBER PEACE: Aye.

1 SECRETARY WADDELL: Washington?

2 BOARD MEMBER WASHINGTON: Aye.

3 SECRETARY WADDELL: Moulton-Patterson?

4 CHAIRPERSON MOULTON-PATTERSON: Aye.

5 Before I -- I think we're going to be taking a
6 short break here. But I do want to thank our staff for
7 acting so quickly and being so responsive. I think
8 they've done a terrific job. And I very much appreciate
9 it. And I know I speak for all the Board members.

10 And, again, Assemblywoman Reyes, thank you for
11 coming and taking your time to address us. And we look
12 forward to working very closely with you. Thank you.

13 At this time we'll take a 15 minute break.

14 (Thereupon a recess was taken.)

15 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
16 our meeting back to order as soon as we get our quorum
17 back here.

18 Still missing a couple of members.

19 We'll start with ex partes.

20 Ms. Peace.

21 BOARD MEMBER PEACE: My ex partes are up to date.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 I said hello to Congressman Lehman.

24 Mr. Medina, any ex partes to report?

25 VICE CHAIRPERSON MEDINA: Chuck Helgut.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 And Mr. Paparian.

3 BOARD MEMBER PAPARIAN: I also spoke to Rick
4 Lehman. He was representing the City of Fresno regarding
5 that last agenda item. Also Assemblywoman Reyes about the
6 last item. And then just a general discussion with
7 Richard Caglia from Industrial Waste and Salvage.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Mr. Washington.

10 BOARD MEMBER WASHINGTON: Yeah, thank you, Madam
11 Chair.

12 I spoke to Barry Broad with the Teamsters. And I
13 said hello Richard -- I hope I pronounce his name right --
14 I believe it's Caglia, with IWS/OAD, an industrial waste
15 and salvage facility in Orange County -- in Fresno.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 And I also did speak with Assemblywoman Reyes
18 personally. And also a TV journalist from -- was it
19 Channel 7? Channel 7.

20 Mr. Jones.

21 BOARD MEMBER JONES: Thanks, Madam Chair.

22 Assemblywoman Reyes and Chuck White.

23 BOARD MEMBER WASHINGTON: And I spoke with the
24 reporter from Channel 7 likewise.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Okay. We'll go back to our regular order. And
2 I'd like to take a few moments to do reports from our
3 Board members.

4 And I'll start with Mr. Jones.

5 BOARD MEMBER JONES: Thank you, Madam Chair.

6 Just two quick ones.

7 I want to thank tire staff. I was out at the
8 Sonoma tire sites.

9 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones, may I
10 interrupt for just a moment? I'm so sorry. But I did
11 tell -- Ms. Peace wanted to say one thing on the last
12 issue. Let's start with that.

13 BOARD MEMBER PEACE: Yes, I'd just like to ask
14 staff.

15 Scott, do you have any idea at this point how
16 much we can expect to be reimbursed for our fire
17 suppression efforts at the Crippen fire through cost
18 recovery or other means?

19 ACTING DEPUTY DIRECTOR WALKER: Yes, I do have
20 some information on that.

21 The Legal Office basically has just reported to
22 me that, consistent with Board policy, cost recovery will
23 be pursued, including a statutory lien.

24 BOARD MEMBER PEACE: Good. Thank you.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

1 And, Mr. Jones, I apologize. Your report.

2 BOARD MEMBER JONES: Not a problem, Madam Chair.

3 A visit to the Sonoma tire sites to evaluate
4 firsthand some solutions. I promised Mr. Medina that I'll
5 give him an update. And then I'll come in and talk with
6 all the Board members after I talk with Mr. Medina and you
7 for a possible -- you know, a couple of possible options,
8 so we may be able to go down that road.

9 And then I was -- I also want to thank our staff
10 in Organics, Kevin Taylor, Pat Paswater, and Ron Lew. I
11 was one of the speakers at the Wine and Grape Symposium at
12 the Convention Center. It's a convention of grape
13 growers, vintners, the whole nine yards. About 8,000
14 people in attendance. And we talked about composting
15 opportunities. We also talked a lot about the two studies
16 that the Board has done on erosion control and
17 sedimentation on hillside vineyards. And with the water
18 issues becoming so critical for water conservation, our
19 studies have actually shown that there's a retention of
20 moisture in the ground that may allow grape growers to
21 actually alter their irrigation habits even more than they
22 are now. So it was a successful day. I want to thank our
23 staff for all the work they did.

24 And that's it.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Ms. Peace, did you have a Board report?

2 BOARD MEMBER PEACE: No, nothing at this time.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 Mr. Medina.

5 VICE CHAIRPERSON MEDINA: Thank you, Madam chair.

6 On January the 23rd I presented a WRAP award to
7 the Westfield Shopping Center in Mission Valley, San Diego
8 County. The San Diego Supernal was among one of the ten
9 select business for 2002 to receive this important award.

10 I met with representatives and employees of the
11 mall and they all showed tremendous pride in receiving
12 such an award for their efforts on waste reduction.

13 On January 28th and 29th our Chair, Linda
14 Moulton-Patterson, and I and staff met with
15 representatives of the California Film Commission and
16 several schools on the UCLA campus to discuss the Motion
17 Picture Sustainability Project, to which the Board has
18 provided \$150,000 in funding.

19 This is an opportunity to develop sustainable
20 practices in the motion picture and entertainment
21 industry. The project will include surveys and case
22 studies to document existing sustainable practices and
23 needs in the motion picture industry.

24 The information gathered from the surveys will be
25 presented at a forum that will bring together stakeholders

1 to discuss how to implement sustainable programs and
2 address any barriers that currently exist. Members of the
3 motion picture industry who are currently implementing
4 excellent programs would be recognized by the creation of
5 a Governor's Environmental Award.

6 The project will also provide a key outreach
7 element to the motion picture industry that demonstrates
8 environmental and economic benefits by incorporating
9 sustainable practices. It will increase the visibility of
10 such practices and encourage self-sustaining programs.

11 The motion picture industry generates 40 million
12 pounds per year of movie films. So there is a definite
13 need to work with the industry in developing sustainable
14 practices.

15 And that concludes my report for today.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
17 Medina.

18 VICE CHAIRPERSON MEDINA: I also spoke with
19 Assemblywoman Reyes during the break.

20 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
21 Mr. Paparian.

22 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

23 I'm continuing to do quite a bit of work on the
24 electronics waste issue. I'm working with other
25 representatives in CalePA to prepare some materials for

1 the Governor's office on follow-up to his veto last year
2 of the electronics waste legislation that moved through
3 the Legislature.

4 Secretary Hickox, DTSC Director Lowry, and myself
5 went out and spent some time at the Hewlett-Packard
6 E-waste recycling facility in Roseville a couple of weeks
7 ago, and got some very constructive input from them about
8 things that the state might be able to do to further
9 promote good electronics recycling.

10 I've also been continuing to work with the
11 National Electronics Products Stewardship Initiative. We
12 had a meeting a couple of weeks ago, and are making
13 progress, albeit slow progress, on the national front with
14 other states and industry in that area.

15 I took a tour of a pretty interesting new sort of
16 recycling facility. It was a diaper recycling facility
17 down in Sun Valley. And it's a pilot plant. It was kind
18 of remarkable what they're doing with -- these are
19 disposable diapers that they're attempting to recycle.

20 I guess, Madam Chair, you were there a few days
21 before I was.

22 One of the -- the two resulting products, one is
23 the plastic -- the outside plastic. And the other is a
24 wood pulp or a paper pulp that they're hoping to market.
25 And they assured me that everything was quite sterile and

1 clean. Although when you reach your hand into the wood
2 pulp, it's a little bit moist.

3 (Laughter.)

4 CHAIRPERSON MOULTON-PATTERSON: You put your hand
5 in it?

6 (Laughter.)

7 BOARD MEMBER PAPARIAN: Yeah, you know, I mean
8 the people at the facility did, so I -- Carol Mortensen
9 was there too. I think she dug her hand into it too. But
10 I did little extra special wash after that just to be
11 extra safe.

12 (Laughter.)

13 BOARD MEMBER PAPARIAN: I also want to do -- I
14 want to thank the Permitting and Enforcement staff for
15 their help in putting together the March -- or February
16 13th meeting. I'll talk about that meeting involving the
17 Bradley Landfill during my P&E report. But Scott Walker,
18 especially, Mark de Bie has been very helpful putting that
19 together. Romel Pascual from CalEPA has been very helpful
20 in helping us understand some of the community and
21 environmental justice issues we will need to be sensitive
22 to.

23 The Public Affairs Office, Chris Peck and Bill
24 Albert have been very helpful to us in pulling together
25 that workshop.

1 And then the IMB folks, Bob Davila and Gary AK,
2 are working very hard under difficult conditions. And you
3 might imagine, a high school -- or junior high school
4 auditorium without any phone lines in it. They're
5 attempting to make sure that this workshop will be
6 broadcast on the Internet. And we're hopeful that they're
7 going to be successful in assuring we have a hookup that
8 allows us to broadcast over the Internet. And, again,
9 I'll talk to you a little bit more about the details in a
10 few minutes.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

12 Mr. Washington.

13 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

14 I only have one. And I'd like to thank Roni
15 Java. She does an excellent job. I presented a WRAP
16 award on February 7th to Leisure World. And, Madam Chair,
17 Leisure World has about 18,000 senior citizens. And what
18 those 18,000 senior citizens did, they created a city
19 called Laguna Woods, which is in Laguna Hills. And the
20 city council is made up of five members who are all senior
21 citizen members. And I tell you, it was just a pleasure
22 to be down there to see a community such as theirs and how
23 beautiful and how they have really done an excellent job
24 in recycling. They grow their own grass. And they've
25 just done a marvelous job in helping California move

1 forward in our 50 percent reduction process.

2 And so it was a great experience for me for the
3 first time to present a WRAP award to a good group such as
4 theirs.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
6 Washington. We appreciate that.

7 Just very briefly, as Mr. Medina mentioned,
8 attended a number of meetings, both with the studios and
9 at UCLA, on the motion picture sustainability project.
10 And I want to thank Ms. Wohl and her department for their
11 leadership. This is really an important industry, and one
12 that we really want to work closely with.

13 Also, I did want to mention the -- I visited the
14 pilot program on the diaper recycling. You know, we can
15 joke about it and everything, but it is a very, very
16 serious concern. And I think the Waste Board needs to
17 really pay attention. I was shocked when I heard that,
18 you know, it's not just children. It's adult diapers.
19 And this is a big growing area. And so it's something
20 that we need to take seriously.

21 And the pilot program they're doing down there
22 was very interesting.

23 I also was able to give our Resources For The
24 Future Award personally to Councilwoman Pat McGuigan for
25 the City of Santa Ana. She was retiring. She has been

1 involved in the waste industry and a waste -- working with
2 the Council and even before AB 939 -- for decades. And it
3 gave me great pleasure. The City of Santa Ana is at 56
4 percent. And so I was happy that I could give that award
5 in person.

6 Also, as I mentioned, that we received the
7 Environmental Awareness Award from the Rubber Pavement
8 Association, an international group, with people from all
9 over the world that are really involved in this project.
10 I was very impressed with what Arizona and Texas are doing
11 in this area.

12 Also, I did want to point out to the Board, our
13 certificate of recognition for the buy-recycled campaign,
14 our very own -- we would be very shamed if we also didn't
15 have one of these. And just want to -- I know others will
16 be reporting, but the state agencies -- it's taken a while
17 to get off the ground, but they're really doing a good
18 job, and I think they take this very seriously. I got a
19 very nice personal letter from Attorney General Bill
20 Lockyear about how much he appreciates our staff and their
21 staff working together on this very important issue.

22 And with that I will turn it over to Mr. Leary
23 for his report.

24 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
25 Chair. Good morning. And thank you very much, Board

1 members, for the very positive comments in regards to a
2 number of staff activities in the last almost two hours of
3 this Board meeting. Between Crippen and Environmental
4 Products Stewardship and support of the P&E efforts, we're
5 happy to hear the positive feedback.

6 But in the same light, given the situation of
7 Crippen and some of the feedback in response to the
8 enforcement, or lack thereof, as some have concluded, in
9 regards to the Crippen site, it's not lost on staff that
10 the Crippen situation can be interpreted by some, and
11 maybe by many, that we've not fulfilled all the duties and
12 requirements. And I wanted to let you all know that I've
13 taken to heart and your comments and your direction from
14 this morning. And I will attempt to respond to you in a
15 comprehensive manner come the March Board meeting in
16 regards to our surveillance and enforcement efforts in C&D
17 and illegal sites.

18 I've gotten direction from most of you here this
19 morning, a little variation therein, but the common theme
20 is not lost on us. And we'll come back to you forcefully
21 and responsively in March.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you very
23 much.

24 EXECUTIVE DIRECTOR LEARY: That's just my kind
25 of --

1 CHAIRPERSON MOULTON-PATTERSON: -- Intro?

2 EXECUTIVE DIRECTOR LEARY: -- ad-lib.

3 I do have kind of a formal report to make to you.

4 And it's a little bit ironic given pro-enforcement tenor
5 of this morning's meeting that my first item on the agenda
6 is about emergency waivers.

7 And for the new Board members, let me explain.

8 When there's a state of a local or statewide emergency
9 declared in the state, the regulation allows that LEA's
10 can waive facility standards, facility permit conditions
11 to allow for dealing with the waste material generator as
12 a result of those emergencies.

13 And the regulation further provides that the
14 Executive Director may overrule that waiver or may
15 condition that waiver in the way I feel appropriate. And
16 then, secondly, my obligation has been to report to you at
17 a subsequent Board meeting, the fact that a waiver was
18 made and how I responded to it.

19 And that is the situation we're in. On January
20 8th, Governor Davis declared a state of emergency in six
21 southern California counties in regards to the Exotic New
22 Castle Disease. And I've reported back to the Board
23 several times about how that is affecting the poultry
24 industry, and the fact that the only way to eradicate the
25 disease is to depopulate the flocks, as they say. And

1 that generates a lot of waste material that then needs to
2 be managed.

3 In regards to these six counties, the LEA's have
4 issued emergency waivers for two landfills, the Ramona
5 Otay Landfill in San Diego County for hours of operation
6 and tonnage, and for the Mid Valley Landfill in San
7 Bernardino County for hours of operation.

8 The emergency waivers have been requested by the
9 local enforcement agencies for these facilities to ensure
10 the protection of public health and safety and the
11 environment and response to this disease and how it
12 affects poultry flocks.

13 We have reviewed those requests. And I
14 personally, as well as upon staff recommendation, concur
15 with the issuance of those waivers.

16 If any members would like specific details about
17 the paperwork that goes before that, particularly some of
18 the new members who aren't familiar with this kind of
19 activity, I'd be happy to provide that to you.

20 Okay. Secondly, on the -- back on the really
21 good newsfront, and again our newest Board members may not
22 be aware, but for the past several months we've been
23 fortunate to have Shasta College Professor Christine
24 Flowers among our staff as she spends her sabbatical here
25 working on sustainable building issues.

1 Kristine along with staff member Clark Williams
2 has been providing coordinated outreach effort at CSU
3 Chico administration staff and students through a variety
4 of presentations, participation in meetings and tours of
5 the CalePA building and the East-End Project.

6 Because of the interactions and because of the
7 influence both Clark and Kristine have had on the CSU
8 Chico faculty, I'm happy to report that CSU Chico is now
9 building a \$26 million 120,000 square foot administration
10 building that is anticipating either a silver or gold
11 award from the U.S. Green Building Council's leadership in
12 energy and environmental design rating system.

13 A further unexpected outcome of this interaction
14 has been the offer of exhibit space at the physical plant
15 expo to be hosted at Chico State on June 18th of this
16 year.

17 Attendees from the entire CSU system representing
18 facilities and physical plant managers, procurement,
19 maintenance, facilities, design, agricultural, and
20 telecommunication staff will be present, and we'll have an
21 opportunity to show off our Board programs to that
22 audience.

23 And with that, Madam Chair, I conclude my
24 Executive Director's report.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.

1 Leary.

2 I did want to add -- because I certainly don't
3 want to shortchange this. I mentioned it when we were
4 honoring Mr. Eaton. But last year, even with all the
5 concerns about our economy, our statewide diversion rate
6 took a great step forward. We hit a diversion rate of 48
7 percent in 2002, with a real drop in disposal of 500,000
8 tons. I think we can all be proud of this. We've come a
9 long, long ways since 1990.

10 Our efforts, the Board, local government, and
11 their partners in the private sector included, are paying
12 huge dividends in resource conservation and landfill
13 reduction. So I think we can all take a moment and feel
14 very proud about that. And I thank our staff, who's
15 worked so diligently toward this.

16 Going toward the agenda today, we've completed
17 two items. But I want to mention the Board will be having
18 a closed session. Probably, if it's okay with my
19 colleagues, we'll have it after our lunchbreak. And for
20 the members of the audience, it should take about half an
21 hour to 45 minute, and then we'll come back. And I can
22 give you a time as we get closer to that break.

23 Items 24, 35, 40, 54, and 70 have been pulled
24 from the agenda.

25 Item 9, will be continued to the March Board

1 meeting. Items 21 and 69 were heard at the Committee
2 level only. Items 38 and 45 have been deleted from the
3 agenda.

4 And moving to the consent calendar, a lot of time
5 was spent in committees last week on a number of issues.
6 And items 1 revised, 2 revised, 3 revised, 10 through 13,
7 17, 18, 19 revised, 25 through 34, 36, 37, 39, 41 through
8 44, 46 through 53, 55 through 63, 64 revised, 65, 66
9 revised, and 67 have been proposed for the consent agenda.

10 Would any Board member like to pull any of these
11 items from consent?

12 BOARD MEMBER WASHINGTON: Madam Chair, I'd like
13 to pull item 43.

14 CHAIRPERSON MOULTON-PATTERSON: Number 43 pulled
15 by Mr. Washington.

16 Mr. Jones.

17 BOARD MEMBER JONES: Madam Chair, on 43, that's
18 the one I was going to pull, because I had been in
19 discussions with Patrick Munoz. I'm not sure that we have
20 to -- you know, I think we can pull it off consent and
21 then hear it right away, because I've done some
22 investigation about his allegations and I want to make the
23 Board aware.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

25 So any others?

1 Okay. With that I'll read them one more time.
2 Consent calendar is Item 1 revised, 2 revised, 3 revised,
3 10 through 13, 17, 18, 19 revised, 25 through 34, 36, 37,
4 39, 41, 42, 44, 46 through 53, 55 through 63, 64 revised,
5 65, 66 revised, and 67?

6 May I have a motion for consent.

7 BOARD MEMBER WASHINGTON: Madam Chair.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

9 BOARD MEMBER WASHINGTON: I'd like to move the
10 consent items with the deletion of Item 43.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.

12 BOARD MEMBER JONES: I'll second.

13 CHAIRPERSON MOULTON-PATTERSON: We have a motion
14 by Mr. Washington, seconded by Mr. Jones to approve the
15 consent calendar.

16 Please call the roll.

17 SECRETARY WADDELL: Jones.

18 BOARD MEMBER JONES: Aye.

19 SECRETARY WADDELL: Medina?

20 VICE CHAIRPERSON MEDINA: Aye.

21 SECRETARY WADDELL: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 SECRETARY WADDELL: Peace?

24 BOARD MEMBER PEACE: Aye.

25 SECRETARY WADDELL: Washington?

1 BOARD MEMBER WASHINGTON: Aye.

2 SECRETARY WADDELL: Moulton-Patterson?

3 CHAIRPERSON MOULTON-PATTERSON: Aye.

4 Okay. The consent calendar as read is approved.

5 We'll take up Item Number 43.

6 Mr. Washington? Or you want me to go to Mr.

7 Jones first?

8 Mr. Jones.

9 BOARD MEMBER JONES: Thank you, Madam Chair.

10 Thank you, Member Washington.

11 I guess a few of us got faxed copies from Patrick
12 Munoz, who is the attorney for Ware Disposal. I actually
13 had a conversation with him. And his issue was -- and 43
14 is an item that was heard in planning, had been on
15 consent. It was for an SB 1066 extension under an
16 alternative diversion requirement, which is very different
17 than an SB 1066 standard, which actually identifies
18 program areas where they're going to concentrate their
19 efforts and they've assigned percentage of diversion that
20 they expect through that extension timeline.

21 Under an ADR, we're voting to lower their
22 diversion number from 50 to 40, giving them the time to
23 try to really concentrate on certain programs.

24 What Mr. Munoz took exception to was
25 identification of a C&D processing pilot program that is

1 going to be happening at the Prima Landfill in Orange
2 County. This was an issue that we've talked about on this
3 Board before. We have a lot of jurisdiction in Orange
4 County that are actually -- we've approved their SB 1066's
5 where they are relying on that facility to help get some
6 of the C&D waste stream taken care of. Mr. Munoz -- and I
7 don't want to be involved in this discussion, this
8 particular part. I don't think it's the right place for
9 us to be as a Board. But he has forced me to at least
10 tell what his issues were.

11 He was looking at a contract issued by Orange
12 County Board of Supervisors to the City of San Clemente,
13 who was the lead -- Orange County is only dealing with one
14 city, as opposed to all the cities. San Clemente has
15 hired CR&R, who's their franchise hauler, to run the pilot
16 program. Mr. Munoz wants us to make some kind of a
17 statement that nobody else can use that facility.

18 When I called Jan Goss with Mr. Munoz's
19 allegations, she had the exact opposite point of view.
20 And it's consistent with what I've heard all along, was
21 that they were going to use this facility that really
22 determined what the franchise haulers were bringing in.

23 I think the restriction is that CR&R is the only
24 one right now that's taken it in. I don't want to get
25 into the legality of that issue. That's between Ware

1 Disposal and whoever else. But they've asked us to pull
2 it. It's a citizen's request. That's why we pulled it.

3 But I as the Chair of the Committee don't see
4 anything in that comment that is contradictory to the
5 action we took, which was to approve an alternative
6 diversion requirement as they worked through those
7 processes. So I would suggest -- and I'll be willing to
8 move a resolution, unless anybody has any other questions.

9 CHAIRPERSON MOULTON-PATTERSON: Any other
10 questions, Mr. Washington?

11 BOARD MEMBER WASHINGTON: Ditto.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
13 Mr. Jones, for giving us that report.

14 BOARD MEMBER JONES: Madam Chair?

15 CHAIRPERSON MOULTON-PATTERSON: Yes.

16 BOARD MEMBER JONES: I would like to move
17 adoption of Resolution 2003-107, the consideration of the
18 application for an SB 1066 alternative diversion
19 requirement by the City of Laguna Hill, Orange County.

20 BOARD MEMBER WASHINGTON: Second.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
22 motion by Mr. Jones, seconded by Mr. Washington, to
23 approve Resolution 2003-107.

24 Please call the roll.

25 SECRETARY WADDELL: Jones?

1 BOARD MEMBER JONES: Aye.

2 SECRETARY WADDELL: Medina?

3 VICE CHAIRPERSON MEDINA: Aye.

4 SECRETARY WADDELL: Paparian?

5 BOARD MEMBER PAPARIAN: Aye.

6 SECRETARY WADDELL: Peace?

7 BOARD MEMBER PEACE: Aye.

8 SECRETARY WADDELL: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 SECRETARY WADDELL: Moulton-Patterson?

11 CHAIRPERSON MOULTON-PATTERSON: Aye.

12 At this time we'll go to the Permits, LEA, and
13 Facilities Compliance part of our agenda.

14 And I'd first like to call on Mr. Paparian, Chair
15 of that Committee, to report.

16 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

17 I'd mentioned a few minutes ago the workshop
18 we're going to hold regarding the Bradley Landfill. That
19 workshop will be this Thursday, February 13th, at 6 p.m.
20 at Sun Valley Middle School.

21 We're holding this workshop for several reasons.
22 You might recall that Senator Alarcon came to our meeting
23 last month and specifically requested that we hold either
24 a hearing or a workshop in the community. This workshop
25 that we're going to hold is responsive to his request as

1 well as community requests to have a forum where they can
2 better understand the facility in their community.

3 This is not unlike workshops or hearings this
4 Board has held in the past. We've held them involving the
5 Sunshine Canyon facility and the Puente Hills facility,
6 particularly at points in time when the community in those
7 areas did not feel that they had the sort of information
8 that they wanted to have about this facility in their
9 area.

10 That's the situation we face now in Bradley. The
11 community, for whatever reasons, is feeling that it
12 doesn't have the level of information and involvement in
13 the facility that it would like to have.

14 I've had a number of discussions with some of the
15 affected elected officials, city and state, with Waste
16 Management, as well as with community representatives, to
17 try to assure that this workshop will be as productive as
18 possible.

19 What we're going to have at the workshop, we're
20 going to have some presentations by the community, by
21 Waste Management, by our staff, by the city, and by the
22 LEA, all of whom are going to explain their roles in the
23 process. Waste Management will talk about their two
24 proposals that they have for the future of the facility.
25 The regional water board and the local air district will

1 also be available, although they're not making formal
2 presentations, in case any issues come up of particular
3 concern to them.

4 So it should be a very informative workshop. And
5 I'm hopeful that at the end of the workshop at least all
6 the parties involved will know each other and understand
7 what issues there are involving the facility, so everybody
8 can be better informed about the facility.

9 CHAIRPERSON MOULTON-PATTERSON: I just have a
10 question. I certainly plan on attending. And I think
11 it's very important. This is a big issue in southern
12 California.

13 As I understand it, it is a workshop, but we will
14 be taking public comments, right, in an informal way?

15 BOARD MEMBER PAPARIAN: Yes. It's a -- the
16 structure of the agenda is in the first hour and a half,
17 from 6 to 7:30, we have various -- we have presentations
18 from the community, presentations from Waste Management,
19 presentations from our staff, presentations from the LEA,
20 and some interactions, some questions of each other.

21 Then starting at about 7:30, we'll have public
22 comments. Anybody who wants to speak will be able to
23 speak. It may be a very long evening. From what I'm
24 hearing, there may be several hundred people in
25 attendance.

1 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
2 Mr. Washington.

3 BOARD MEMBER WASHINGTON: Madam Chair, I just
4 wanted to piggyback and add to what Ms. Paparian has said.
5 I've had some of the same discussions with the elected
6 officials. And one thing that I've been saying to them is
7 that they can't look for us to bring any results of this
8 public workshop. But I think it would be misleading if we
9 went to that workshop and -- and I can tell you as an
10 elected official -- it happens every single time -- those
11 folks are going to want to have a resolution at the end of
12 the day as to what's going to happen if they're not in
13 agreement with Waste Management. If that are in
14 agreement -- I've asked those elected officials to make
15 sure that they explain to their constituencies that we
16 can't change anything. And that has to be very clear.
17 Because one of the perceptions -- and Mr. Jones made me
18 aware of, is that perception is everything. And if they
19 go away, they could feel even worse with us holding the
20 public workshop than they did before we held a public
21 workshop.

22 So I wanted to make sure that they went back to
23 those communities and those folks who will be
24 participating to let them know that we're there to hear
25 their concerns so that this Board in the future can assess

1 what directions we need to go in to have an impact on
2 what's happening to them at this point.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
4 Washington.

5 Mr. Paparian, did that end your report? I just
6 want to go into the items.

7 BOARD MEMBER PAPARIAN: I'll just briefly report
8 on the state of the agenda for the Permitting and
9 Enforcement Committee.

10 We had some very interesting and lively
11 discussion in the Committee. We went all day. And it may
12 not seem that way when you find that not very many items
13 are on consent from the Committee. And I'm sure we'll get
14 into some of those items here in a few minutes.

15 We did approve one item on consent just a few
16 minutes ago. That was Item 3. Obviously we did Item 8,
17 the Fresno fire site. And as you mentioned, we continued
18 Item 9 until next month.

19 One of the very first landfill issues that's
20 going to come up is the Tehama County Landfill. There
21 were some questions about the state minimum standards and
22 gas control at that facility, which we'll be getting into.

23 We had a facility, Item 5, the Shafter-Wasco
24 Sanitary Landfill in Kern County. There was three votes
25 in favor and one abstention on that facility. So that's

1 why that one's coming to us.

2 On Item 6, the Amador County Sanitary Landfill,
3 we had a long discussion. A number of community members
4 came to the hearing. But ultimately we discovered that
5 the permit before us needed some modifications. And so
6 the Committee was not prepared to vote on the permit at
7 that point even though we had a long discussion about it.

8 And I believe that we now have the permit in the
9 form that's ready to vote on.

10 Similarly, the Item 7, the Cedar Avenue Recycling
11 and Transfer Station in Fresno, there were some
12 modifications being made to that permit. So we did hear
13 that issue. But we didn't vote on it because we were
14 awaiting the modifications.

15 So that's pretty much what happened. I think
16 we'll -- I'll turn it over to Scott.

17 CHAIRPERSON MOULTON-PATTERSON: Thanks for all
18 the Committee's hard work.

19 Mr. Walker.

20 ACTING DEPUTY DIRECTOR WALKER: Thank you.

21 Scott Walker, Permitting and Enforcement
22 Division.

23 Item 4 is consideration of a revised full solid
24 waste facilities permit (disposal facility) for the Tehama
25 County/Red Bluff Landfill, Tehama County. And I've got a

1 couple of introductory comments on this to set the stage
2 before I hand it off to staff.

3 This permit brings up the long-term gas violation
4 policy. And the Board hasn't seen this for over two
5 years. And with new Board members, it did create some
6 discussions and some interest.

7 Basically landfill gas has technical aspects that
8 in many cases results in considerable time necessary to
9 bring in to full compliance, even though all feasible
10 efforts have been made by the operator and that public
11 health and safety is fully protected. This policy allows
12 for the Board to consider those factors in concurring with
13 issuance of a revised solid waste facility permit.

14 One of bases to deny a permit is a finding of
15 consistency with state minimum standards. So this policy
16 allows for the Board to make that finding and concur with
17 the issuance of a solid waste facility permit.

18 At the request of the Committee, staff
19 transmitted to the Board offices a compilation of
20 information, including past Board items and transcripts
21 concerning the policy.

22 We also included a specific analysis of the
23 proposed permit to show the appropriateness of staff's
24 recommendation to concur with this proposed permit.

25 There's been about 18 landfills that utilize this

1 policy, and again prior to February of 2001.

2 The Board should note that staff has made
3 significant progress in reduction of active landfills in
4 violation of landfill gas control requirements. In 1997
5 we had 21 active landfills listed as long-term gas
6 violators. We've been able to get that down to two, one
7 of which is Tehama County/Red Bluff Landfill, which again
8 is progressing quite well towards full compliance and is
9 before you today.

10 Staff has determined that the policy is still in
11 effect, and it is supported by the Board's Legal Office,
12 and that the proposed permit is consistent with the
13 policy.

14 In addition, the Committee had directed staff
15 this past August to start the informal rule-making process
16 to incorporate this policy in regulations with
17 considerations of some additional regulatory concepts
18 regarding landfill gas.

19 Staff has started the informal rule-making
20 process. But we will need more time before we can come
21 back to the Board with conclusion of that process. The
22 Board's direction requires us to convene a technical
23 advisory group. We are doing that. We hope to have it
24 all convened as of March 1st, and be able to come back to
25 you as soon as we can, hopefully June or July. But it

1 will depend upon the convening of the TAG and their
2 specific tasks that they will forward to us.

3 Staff also concludes that the proposed permit is
4 fully consistent with those comments directed in the
5 informal rule making. This facility is currently taking
6 all appropriate steps to control landfill gas and has made
7 considerable progress in reducing probe gas levels and is
8 protecting public health and safety.

9 And with that I'll hand it off to Christy Karl to
10 complete the staff presentation.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

12 BOARD MEMBER WASHINGTON: Mr. Walker -- and I
13 probably raised this same issue at the Committee level --
14 in terms of this task force, we can't get that task force
15 started before June or July?

16 ACTING DEPUTY DIRECTOR WALKER: No, that's
17 incorrect. That task force -- right now we are -- the
18 assignment has been made and the assignment due date is to
19 have the task force defined by March 1st. We have
20 contacted a number of experts in the landfill gas field.
21 And we've had some already lined up. Others we haven't
22 gotten lined up yet. But March 1st is the deadline for us
23 to get the list of the technical advisory group.

24 BOARD MEMBER WASHINGTON: So March 5th is the
25 deadline to put the group together. And they'll have the

1 report by July?

2 ACTING DEPUTY DIRECTOR WALKER: Well, yeah.

3 Again, we have to convene the technical advisory group.

4 And this group will review the Board -- the concepts the

5 Board directed us to -- for the technical advisory group

6 to review. And that group has to complete their review

7 and their recommendations to the Board as far as specific

8 regulation changes.

9 BOARD MEMBER WASHINGTON: And it would take them
10 four months to do that? If we're talking from March to
11 July, that's four months. We can't get anything sooner
12 than four months?

13 ACTING DEPUTY DIRECTOR WALKER: We will do this
14 as quick as possible. And maybe you'll get it before --

15 BOARD MEMBER WASHINGTON: And I'm sure --

16 ACTING DEPUTY DIRECTOR WALKER: -- maybe
17 mid-June --

18 BOARD MEMBER WASHINGTON: -- let me tell you, I'm
19 sure there's technical and other things that are involved.
20 But I'm just thinking in terms of four months, that's
21 approximately what, 120 days we're looking at? I mean
22 that's a lot of time for people to gather together and
23 talk about and look over. I guess I'm just trying to say
24 to you, I would like to see something a little sooner than
25 four months.

1 ACTING DEPUTY DIRECTOR WALKER: We will make the
2 effort to try to get something sooner than four months.
3 And, again, when -- we will report back at the March Board
4 meeting on the status. Because, as I said, March 1st we
5 will have tasked the group. And hopefully we'll be able
6 to give you, you know, a better feel for that.

7 BOARD MEMBER WASHINGTON: Okay.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
9 Mr. Washington.

10 Before we go to the rest of the report, I would
11 like to mention two things.

12 First of all, in August I did visit the Tehama
13 Landfill. That was the last -- as I mentioned before -- I
14 don't know, some of the new members might not have heard
15 it -- but I have visited facilities in all 58 of our
16 counties now, and that was one of my very last counties.
17 So I have visited this facility.

18 And also we have Alan Abbs from the Tehama County
19 Landfill Management Agency here with us to answer
20 questions if we have them.

21 And with that, I will continue the report from
22 staff.

23 MS. KARL: Thank you, Madam Chair.

24 Good morning, members of the Board.

25 The Tehama County/Red Bluff Landfill is owned and

1 operated by the Tehama County/City of Red Bluff Landfill
2 Management Agency. This revision is coming forward to
3 correct violations of the terms and conditions of the
4 permit dating from April 1995 and significant change
5 violations dating from May 1997.

6 A Board staff direction enforcement orders were
7 issued by the LEA to address these violations and work
8 toward a permit revision. A revision was significantly
9 delayed by the realization that waste had been disposed on
10 land not owned by the operator. But several attempts at
11 negotiating a land purchase were not successful.

12 The county initiated imminent domain proceedings.
13 The California Environmental Quality Act then needed to be
14 satisfied, taking eight months to complete. When the
15 operator came forward for a permit at that time, it was
16 realized that the property needed to be rezoned and
17 included in the general plan. And this could not be
18 agendized with the Board of Supervisors for several
19 months.

20 The first gas readings above the LEL were then
21 identified in 1999.

22 The site was characterized to determine the
23 extent of the problem, while the operator applied for
24 money to help correct this problem. The facility
25 compliance loan was received in July 2001, and the

1 installation of the gas extraction system began in March
2 2002 and completed December 31st, 2002.

3 The ongoing permit violations were also an issue
4 in the LEA's evaluation requiring them to meet deadlines
5 regarding the permit process, as part of their workplan.

6 This permit updates the issues that caused the
7 significant change in terms and conditions, violations
8 such as more accurately defining the permitted and
9 disposal acreage. It also sets elevation limits not
10 previously specified and limits the vehicle impact.

11 Its sets a maximum tonnage limit, which is not
12 updated with this permit but continue to be violated.

13 This permit also acknowledges the lifespan for
14 Phase 1 and the need to begin a permanent process for the
15 Subtitle D compliant expansion into Phase 2.

16 The operator and the LEA have both been working
17 very hard to bring this permit before us.

18 The changes in this proposed permit specifically
19 increase the waste received to 400 tons. The average
20 incoming waste is currently 200 tons per day. And of
21 this, 56 tons will be processed by the adjacent material
22 recovery facility, which is expected to start up this
23 Friday, February 14th.

24 Additional changes in the proposed permit include
25 increasing the permitted acres to approximately 95 acres,

1 decreasing the disposal acreage to 31.6 acres, and a
2 change in the hours of operation.

3 The permit will also limit the maximum elevation
4 to 545 feet mean sea level, and limits the vehicles
5 accessing the site to 200 per day.

6 It increases the site capacity to 2.6 million
7 cubic yards and estimates a closure date for Phase 1 in
8 2003.

9 At the time this item was prepared staff had not
10 yet conducted a reinspection to determine compliance with
11 state minimum standards. This inspection occurred January
12 30th, and the facility was found in compliance with all
13 minimum standards except for explosive gas control.

14 Gas monitoring was conducted during the
15 inspection, and the gas levels had dropped significantly
16 in most wells. Yet the amounts remained above the minimum
17 standard of five percent of the lower explosive limit.

18 Staff has applied the long-term gas violation
19 policy to address this issue, and hasn't made the required
20 fore findings in order for the Board to concur with a
21 permit.

22 Therefore, staff recommends that if the Board
23 finds the site consistent with the gas standard, that the
24 Board concur in the issuance of solid waste facility
25 Permit 52 AA-0001, and adopts Resolution 2003-69. The

1 landfill operator's present to answer any questions.

2 And this concludes staff presentation.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 Any questions for our staff or for the speaker --
5 possible speaker?

6 Ms. Peace, then Mr. Washington, and then Mr.
7 Paparian.

8 BOARD MEMBER PEACE: You know, I sat on the P&E
9 Committee, so I've heard this before. There were numerous
10 past gas violations, you know, violations for gas control.
11 But the gas control system is in place. Contingency plan
12 is in place. CEQA is in conformance and the staff
13 recommends concurrence. There's been a good-faith effort
14 to comply with the state minimum standards. There's no
15 threat to public health and safety. And at this time I'm
16 ready to concur with the issuance of the proposed permit.

17 But I would like to make sure though that the LEA
18 closely monitors the progress of the gas control system
19 and that they keep the Board staff up to date on that.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
21 Peace.

22 Mr. Washington.

23 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

24 Once again -- and I won't to continue to beat
25 this horse over the head, Madam Chair. But I do want to

1 again recognize the problem that we have here is here we
2 have a business in -- you know, Red Bluff Landfill has
3 been in violation since 1997 -- 1997. And we're here at
4 this Board in 2003 ready to approve a revised full solid
5 waste permit.

6 This is outrageous. And I just don't want this
7 Board to move these items forward any more until this
8 Board has some authority to make sure that these agencies
9 are in compliance before they come before this Board.

10 With all these mishaps that have taken place and
11 all these violations, there's still no place other than
12 the CEQA presentation where the public is apprised of this
13 issue. I raised this at the Committee again. And so all
14 these items that come forward, I'm not going to sit here
15 and talk on each one of them, but I'm not going to vote
16 for them. I'm not because I don't believe that we're
17 doing the citizens justice by moving forward with these
18 items without having public input.

19 And so, again, I just wanted to raise that, Madam
20 Chair, that there are a number of violations. And I don't
21 believe they're in compliance at this time. I think
22 they're still working on coming into compliance. It is
23 outrageous that we're moving items like this forward,
24 giving permits out like this like they're candy bars or
25 something.

1 People need to understand, when you come before
2 this Board, that you need to be in compliance with
3 everything, not working on it. And staff needs to be
4 directed not to allow these items to come forward until
5 people have completed their task that is before them to
6 get these type of permits from this Board.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Washington.

9 Mr. Paparian.

10 BOARD MEMBER PAPARIAN: Yeah, this permit does
11 call out kind of the broader awkwardness of some of our
12 policies and regulations and standards.

13 The law requires that we turn down permits if
14 there is a violation of state minimum standards. However,
15 it's been the policy of this Board, that's the long-term
16 gas policy, to allow facilities to be permitted even if
17 they're in violation of state minimum standards if they
18 meet certain conditions of the policy.

19 Now the policy is not in regulation, and -- but
20 it looks and smells like an underground regulation.
21 That's part of the reason why the auditor-general called
22 out the long-term gas policy as a potential legal problem
23 that the Board faced when they did their report a couple
24 of years ago.

25 In response to that report, Mr. Jones -- well,

1 the Board got together and then suggested that Mr. Jones
2 and Mr. Roberti together and come up with a better
3 direction regarding the policy, with the goal of putting
4 that into regulation. And that's what Mr. Walker has
5 described in terms of the direction that they're going to
6 take, put together an advisory group and then move towards
7 bringing us regulations.

8 Now, poor Tehama Landfill is caught in the middle
9 here. They're trying to do what's right. They're trying
10 to follow what they understand the existing procedures
11 are. And our staff is dutifully telling them that we have
12 this policy and if they meet the policy, that they ought
13 to be able to go forward.

14 I raised the question in Committee whether they
15 would not only meet the existing policy the staff is
16 following, but the new Jones-Roberti policy.

17 In reviewing this I found that they do indeed
18 meet the new Jones-Roberti policy to the best as we can
19 understand it. There's some things left to be resolved in
20 that policy.

21 So I -- though I'm uncomfortable with the
22 existing policy, though I'm uncomfortable with the feel
23 that it's an underground regulation, I don't want to
24 penalize the Tehama County folks. I think they've been
25 doing a good job of trying to both understand and address

1 the concerns that have been raised by this Board, meet the
2 requirements that we've put out there for them, and do
3 what I think is really important in cases like this;
4 they've laid out a contingency plan such that if they do
5 not succeed in bringing their gas down, they have the
6 contingency plan about what they will do to take
7 additional steps to make sure that it then comes into
8 compliance with our standards. I think that's a vital
9 component in situations like this.

10 So I'm prepared to vote for the permit, though
11 I'm not -- I'm still not comfortable with the existing
12 policy. But it's what we've got. It's what we've got to
13 work with. And I'm looking forward to making the
14 constructive changes that we need in that policy.

15 I might also add, Mr. Abbs from Tehama County has
16 done a remarkable job of making sure we understand what's
17 going on at the facility and being available to answer
18 questions. And I compliment you, Mr. Abbs, on your
19 patients and willingness to work with us. And I see the
20 rural county folks in the back row. You might take note
21 of this guy as someone you might want to work with in some
22 of your broader rural county issues. I think he has done
23 a great job.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Just for
25 my clarification, since I'm not on this Committee. I

1 understand if you have a public hearing, no one comes in
2 some of the rural areas. But when was the last time at
3 the local level they had a public hearing on this?

4 MR. ABBS: My name is Alan Abbs. I'm the Solid
5 Waste Director for the Tehama County/Red Bluff Landfill
6 Management Agency.

7 At the Permitting and Enforcement Committee
8 meeting I did hand out a letter from myself dated January
9 31, 2003. And it discussed several items. I did make
10 sure that you received a copy through staff and also Mr.
11 Medina received a copy.

12 And before I answer your question specifically,
13 let me go into a little bit of background. I've been the
14 Solid Waste Director for 18 months. One of the first
15 things that I did when I got in there was took a look at
16 the scrapbook which talked -- which had newspaper articles
17 regarding the landfill over the last 15 years. And I
18 looked at the scrapbook and thought to myself, "What have
19 I gotten myself into?"

20 During the mid-1990's the landfill was on the
21 front page of both daily newspapers in Tehama County on a
22 monthly basis. There were problems with cover. There
23 were problems with being prepared for winter storms.
24 There were problems with paying the Board of Equalization
25 fees. You name it, the county landfill had those -- had

1 problems.

2 The public was aware. The public was outraged.

3 And the reason I'm standing before you today is because
4 the public was so dissatisfied with the way the landfill
5 was operated in the mid-1990's, that we got a new landfill
6 contractor, we started monitoring correctly out at the
7 landfill, which turned up these methane gas problems and
8 triggered the whole CEQA review, the land acquisition, the
9 tonnage problems that we were having and the height
10 problems that we were having.

11 Over the course of clearing up all these issues
12 that were identified by the public, we had public hearings
13 through the Planning Commission, we had public hearings
14 through the Board of Supervisors, and also through the
15 Tehama County/Red Bluff Management Agency, which is one of
16 two joint powers authorities that oversee solid waste in
17 Tehama County.

18 The last public hearing that we had was on
19 November 13th, 2001. So, admittedly, that was 15 months
20 ago. We did have one person show up for that public
21 hearing. It was held after 5 o'clock on a week night.
22 And the one person that did show up was the chairman of
23 our local task force who throughout the last 10 to 15
24 years has been very active in identifying problems that
25 we've had out at the landfill.

1 One of the items that I also brought up last week
2 was the -- we do have two joint powers authorities that
3 oversee solid waste in the county. We have one monthly
4 meeting per JPA, which gives the public a chance to come
5 in and hear what's going on at the landfill. I compiled a
6 list of all the times when we discussed issues related to
7 the permit. And I truly believe that the public has had
8 an adequate ability to comment on what's going on at the
9 landfill.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you very
11 much. You answered my question. I appreciate it.

12 Ms. Peace, did you wish to move this item?

13 BOARD MEMBER PEACE: Yes, I do.

14 I want to say to Mr. Washington, I do support his
15 concerns about, you know, approving permits when they've
16 been in violation. And I'll bring up those concerns on
17 the Shafter-Wasco and the Amador ones later.

18 I would like to move at this time Resolution
19 number 2003-69, consideration of the revised full solid
20 waste facilities permit (disposal facility) for the Tehama
21 County/Red Bluff Landfill, Tehama County.

22 VICE CHAIRPERSON MEDINA: I'd like to second
23 this.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
25 Peace.

1 We have a motion by Ms. Peace, seconded by Mr.
2 Medina, to approve Resolution 2003-69.

3 Please call the roll.

4 SECRETARY WADDELL: Jones?

5 BOARD MEMBER JONES: Aye.

6 SECRETARY WADDELL: Medina?

7 VICE CHAIRPERSON MEDINA: Aye.

8 SECRETARY WADDELL: Paparian?

9 BOARD MEMBER PAPARIAN: Aye.

10 BOARD MEMBER PEACE: Aye.

11 SECRETARY WADDELL: Washington?

12 BOARD MEMBER WASHINGTON: No.

13 SECRETARY WADDELL: Moulton-Patterson?

14 CHAIRPERSON MOULTON-PATTERSON: Aye.

15 Thank you, Mr --

16 VICE CHAIRPERSON MEDINA: Madam Chair, I just
17 wanted --

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

19 VICE CHAIRPERSON MEDINA: -- to say I base my
20 second of this motion and the vote in favor just because
21 they have had a change in operators. I know that they've
22 had serious problems in the past. They have developed a
23 contingency plan. They've made a good-faith effort. And
24 so based on that, I am supporting this.

25 CHAIRPERSON MOULTON-PATTERSON: That you, Mr.

1 Medina.

2 With this I would like to say right now that
3 we -- I'm going to call a lunch break. But, Board members
4 and staff, be prepared. We could be going till 8 o'clock
5 tonight. As you know, tomorrow is a staff holiday, so we
6 couldn't make this a two-day meeting. We will have a
7 closed session right after lunch, at 1:30.

8 And then I would estimate to the public that we
9 would be back here 2, 2:15 for the public session. And we
10 will be going until we finish the agenda.

11 Thank you.

12 (Thereupon a lunch break was taken.)

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1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
3 our meeting back to order.

4 Mr. Jones, do you have any ex partes?

5 BOARD MEMBER JONES: No.

6 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace, any ex
7 partes?

8 BOARD MEMBER PEACE: Nope.

9 CHAIRPERSON MOULTON-PATTERSON: I have none.
10 Mr. Medina.

11 VICE CHAIRPERSON MEDINA: Yes, Denise Delmatier
12 and John Cupps.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: None.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
17 Washington?

18 BOARD MEMBER WASHINGTON: I have none.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 Before we begin our meeting, I wanted to make an
21 announcement.

22 In implementing the Board's cleanup programs the
23 Board utilizes the services of contractors to perform
24 cleanups throughout California. Through their action and
25 the quality of their work the cleanup contractor personnel

1 often find themselves representing their company, but also
2 the Board. And as such, these personnel often become part
3 of the Board's extended family throughout the course of
4 their contracts and beyond. Today it saddens me to report
5 a tragic event that has befallen a member of our extended
6 family, Mr. Jim Howtsell, who is a site superintendent
7 with Sukut Construction.

8 On January 28th, 2003, Max, Mr. Howtsell's
9 ten-year old son was killed in an accident. It is also my
10 understanding that Mr. Howtsell is currently recuperating
11 from serious injuries that were sustained as part of that
12 tragic event.

13 Mr. Howtsell has worked for many years on
14 projects under both the AB 2136 and waste tire cleanup
15 programs, most recently on the Westly tire fire project
16 and the Crippen fire, and has been recognized by the Board
17 and staff for his outstanding work in the performance of
18 these and many other cleanup activities.

19 At this time, I would respectfully request we
20 observe a moment of silence in memory of Max Howtsell.

21 Thank you.

22 And I would ask the Executive Director to convey
23 to Mr. Hassle the Board's condolences and to please let
24 him know our kind thoughts are with him and his family and
25 that we wish for him a speedy and full recovery for his

1 injuries.

2 Okay. We're still on Mr. Walker.

3 Where are we now? Number 5?

4 ACTING DEPUTY DIRECTOR WALKER: Item 5, yes.

5 Item 5 is consideration of a revised full solid
6 waste facilities permit (disposal facility) for the
7 Shafter-Wasco Sanitary Landfill, Kern County.

8 And just to remind the Board, the Committee
9 passed this 3 votes in favor, with 1 vote abstaining.

10 Chris Deidrick will provide the staff
11 presentation.

12 MR. DEIDRICK: Madam Chair, Board members.

13 The Shafter-Wasco Sanitary Landfill was issued a
14 permit -- the last permit that was issued was July 12th,
15 1994. The facility is owned and operated by the Kern
16 County Waste Management Department. The facility
17 primarily serves the western central portion of Kern
18 County.

19 The revised permit will allow the following
20 changes:

- 21 1) Increase the permitted daily tonnage from 714
22 to 888 tons per day;
23 2) Change the estimated closure date from the
24 year 2030 to 2027;
25 3) Change the design capacity from 10,239,000

1 cubic yards to 11,635,500; and

2 4) Change the hours of operations.

3 Staff would like to make the Board aware that on
4 January 7, 2003, during a routine quarterly monitoring
5 event the operator detected a concentration of methane gas
6 at the northern perimeter boundary of the facility in
7 excess of state minimum standard for methane.

8 On July 23rd the operator, the Kern County Local
9 Enforcement Agency, and Board staff monitored that same
10 northern perimeter to verify the operator's landfill gas
11 monitoring findings. It was determined at that time that
12 the facility was in compliance for STATE minimum standards
13 for methane gas.

14 To more closely monitor the landfill gas at the
15 facility, the operator plans to increase the frequency of
16 monitoring for gas at the northern perimeter. In
17 addition, the operator plans to begin construction of a
18 landfill gas control system at the facility in the 4th
19 quarter of this year.

20 Board staff have determined that all the
21 requirements for the proposed permit have been fulfilled.
22 Board staff recommend that the Board adopt Board
23 Resolution Number 2003-70, concurring with the issuance of
24 Solid Waste Facility Permit 15-AA-0057.

25 Nancy Ewert, Technical Resource Manager of the

1 Kern County Waste Management Department is here today.
2 And she would like to address the Board on the county's
3 public notification procedures that went into the proposed
4 permit that you're seeing before you today.

5 This concludes staff's presentation.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Nancy Ewert, Kern County.

8 CHAIRPERSON MOULTON-PATTERSON: Good afternoon.

9 MS. EWERT: Good afternoon.

10 Chairman Moulton-Patterson and members of the
11 Board. I am Nancy Ewert, and I'm the Technical Resources
12 Manager for the Kern County Waste Management Department.

13 For many years the Kern County Waste Management
14 Department has operated a one-size-fits-all waste
15 management system. We have operated eight landfills, five
16 transfer stations, and five bin sites, open 360 days a
17 year, 9 to 11 hours per day depending on the season.

18 Two years ago we began an effort to streamline
19 our days and hours of operation and to tailor our days and
20 hours of operation to the individual community needs.
21 This was in an effort to trim costs and to run efficient,
22 yet convenient, landfills.

23 Shafter-Wasco permit before you today is our 5th
24 landfill permit modification to accomplish our days and
25 hours implementation. All transfer stations and bin site

1 permit modifications have already been completed.

2 For each site we have held an extensive community
3 meeting and public hearings. For Shafter-Wasco
4 specifically we distributed 1200 fliers at our landfills
5 prior to the community meetings. And an additional 2500
6 fliers prior to the public hearing and implementation.

7 This is for a site that receives approximately
8 100 to 120 self-haul vehicles per day.

9 Each meeting was noticed well in advance in
10 community newspapers. And the community meetings were
11 held in the evenings for customer convenience.

12 In the future months we will conclude these
13 efforts by bringing the remaining three permits before
14 your Board. Those that remain are Ridgecrest, Taft, and
15 Mojave. And we'll bring them before your Board probably
16 within about the next four months.

17 If you have any questions about the permits
18 themselves or our public information and the community,
19 I'd be happy to answer those questions.

20 CHAIRPERSON MOULTON-PATTERSON: Questions, Board
21 members?

22 Okay. Thank you very much for being here.

23 Ms. Peace. Sorry.

24 BOARD MEMBER PEACE: Yeah, I was just looking
25 over this. And with the many permit violations in the

1 past, I guess it doesn't make sense to me that it was 2003
2 before a new permit proposal was submitted. And being the
3 new kid on the block, I guess I don't understand why a new
4 permit proposal was not submitted before the hours were
5 changed and before you started taking more tonnage. Why
6 is it done before instead of after?

7 MS. EWERT: I can actually answer that.

8 We have an entire waste management system. As I
9 said, we have eight landfills and ten different transfer
10 stations. As we have implemented days and hours, we've
11 gone out to the public and gotten their input and then had
12 public meetings.

13 Our department, our LEA, can only bring so many
14 permits forward at any one time. And so, as I've said,
15 we've already modified the permits of ten transfer
16 stations and bin sites and four other landfills. And
17 we've done that in about the last 18 months.

18 But going through the CEQA process, updating our
19 RDSI's for each facility, and bringing it before the Board
20 does take a period of time. And so during that time we
21 accept the violations that we receive for these days and
22 hours.

23 Some of the facilities we had our permits updated
24 before implementation. But when we operate a system,
25 specifically this one, we had one landfill, three

1 tributary transfer stations that all feed into this
2 landfill, different varying operational agreements,
3 everything doesn't just fall right in line. And so we
4 bring them to you as soon as possible and as soon as our
5 LEA can process the permits.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

7 Any other questions?

8 Oh, sorry.

9 BOARD MEMBER PEACE: I understand that many
10 tonnage and hours of violation -- hours of operation
11 violations will be alleviated with this new permit. But
12 also there are numerous other violations in here -- the
13 daily cover violations, ADC, grading, drainage, erosion
14 control, litter, health and safety issues, state minimum
15 standard issues. And I guess what I'm asking for, is
16 there some assurance that we will get from the LEA that
17 the next time there's a violation, that something is
18 actually done about it, that there's a compliance order
19 written up, that some fines are assessed? I mean what are
20 we going to do if there continues to be problems at this
21 site even after we go ahead and approve this permit?

22 MS. EWERT: Our LEA -- and I represent the
23 operator, the Kern County Waste Management Department.

24 Our LEA does set up enforcement notices and
25 notice of violation for us. And we March down the path

1 and get rid of our violations.

2 But I would like to take just a few minutes to
3 discuss maybe the nature of these violations.

4 You'll notice in the staff report that in 2002 we
5 received five violations of state minimum standards and
6 eight permit violations. And I know probably to Board
7 members that would seem like a tremendous amount of
8 violations.

9 To put that into perspective, however, of the
10 five violations of state minimum standards, four of those
11 occurred during one month. We had one tire contract end,
12 and we had a glitch in getting our new tire contract in
13 place. So our LEA wrote us four violations because we had
14 more than 500 tires on the ground at any one time.

15 Now, two of those violations after the LEA
16 consulted with the Integrated Waste Management Board
17 should not have been issued. But there's no ability to
18 remove a violation once it's been issued.

19 So we had violations. But that occurred because
20 of one month of having more than 500 tires on the ground
21 at one time.

22 We received eight violations for permit
23 violations. Now this permit was originally written in
24 1994 -- 19 -- yeah, 1994. And at that time a permit
25 violation for a facility tonnage was based on the average

1 daily tonnage. This facility receives about 360 tons per
2 day on average.

3 In 1999-2000 there was a change in the policy of
4 the Integrated Waste Management Board that tonnage
5 violations were then based on peaks, not average daily.
6 At that time though we had 712 tons was our permitted
7 capacity. So we really didn't have an issue. We're
8 accepting on average 360, but we have some leeway.

9 In small landfills there can be huge variations
10 in the amount of tonnage that you receive in any given
11 day. We receive violations if we were, say, 815 tons.
12 Now Kern County could do what L.A. County does. We could
13 put up a flag and say drive 50 to 60 miles to the next
14 landfill. It is our policy that we do not do that,
15 because with self-haul traffic, it's going to get dumped
16 along the roadside. So we leave our gates open, we accept
17 the violation, and we move forward to correct it.

18 But I hope that puts a little bit into
19 perspective the types of violations that we're receiving.

20 Now, I have to admit, five years ago Kern County
21 received a fair amount of violations for other things. We
22 had grading. We had maybe daily cover here and there.

23 There has been a consistent reduction in the
24 violations of Kern County landfills. But in any given
25 year, we're going to get some violations.

1 There's been a lot of talk today about
2 violations.

3 BOARD MEMBER WASHINGTON: Excuse me, excuse me.
4 You say in any given year you're going -- what did you say
5 about violations? We're going get --

6 MS. EWERT: In any given year we're going to get
7 some violations.

8 BOARD MEMBER WASHINGTON: What do you mean by
9 that? That you're not going to operate correctly or
10 something? What are you talking about?

11 MS. EWERT: No. We can fully intend to operate
12 all within our permit conditions, and it is our intent to
13 always operate within our permit conditions. But we can
14 have certain things happen. We can have, for instance
15 like with the tires, there was a short duration between
16 one contract and the next. We got violations. It wasn't
17 an intended thing, but that happens.

18 Landfills are a very dynamic operation. It's not
19 always easy to forecast exactly what's going to be
20 happening at a landfill. It is our goal to operate
21 violation free, but that doesn't always happen.

22 CHAIRPERSON MOULTON-PATTERSON: I just have a
23 question of staff.

24 You know, we talked a lot about unannounced
25 visits, site visits and everything. Does this apply to --

1 Are usually in the norm landfill, you know, inspections or
2 visits by the LEA -- are they usually announced?

3 MR. DEIDRICK: Well, in -- I can speak for the
4 Board. We're required to do 18-month inspections, as you
5 know, on all the landfills in California. All my
6 inspections are unannounced.

7 CHAIRPERSON MOULTON-PATTERSON: Are unannounced?

8 MR. DEIDRICK: Yes. And typically what -- and
9 often, especially in Kern County, I'll arrive there before
10 the LEA. I'll be at the gate at 6 a.m. or so waiting for
11 the operator to show up. So I'm right there once they
12 open the gate. And I can see how operations commence that
13 day.

14 CHAIRPERSON MOULTON-PATTERSON: And they're
15 unannounced?

16 MR. DEIDRICK: Yes.

17 Mark may have something in addition.

18 CHAIRPERSON MOULTON-PATTERSON: That's okay. I
19 just -- I got my answer.

20 MR. de BIE: Chris was mentioning about Board
21 staff inspections. LEA inspections, we ask LEA's to do
22 unannounced inspections, surprise inspections. We are
23 aware of some facilities that ask the LEA to give them
24 some level of notice so that their health and safety
25 officer can be on-site when the LEA is on site for, you

1 know, health and safety purposes. So there are some
2 facilities where the LEA has a relationship where they do
3 give some pre-notice prior to showing up.

4 But our guidance to LEA's is try to avoid that
5 situation when possible, figure out another way of doing
6 it, and encourage them to do surprise inspections and also
7 to vary when they go out. Sometimes LEA's set up a
8 schedule. They'll go to one week and another the next
9 week. To vary that throughout the year so it's not always
10 the same. Because it could be unannounced, but if you
11 come out the second Tuesday of the month, it becomes
12 announced. So that's something we encourage LEA's to do.

13 But they all follow their own jurisdictional
14 procedure, and so there is some variation.

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

16 BOARD MEMBER PAPARIAN: Just to follow up, Mark.

17 Do we keep track of which inspections were
18 announced or unannounced? Is there any kind of box on the
19 inspection form?

20 MR. de BIE: There is no box on the inspection
21 report.

22 BOARD MEMBER PAPARIAN: Because my impression is
23 that quite a few LEA's -- I won't try to guess a
24 percentage -- but quite a few as a practice do announced
25 inspections and don't do unannounced inspections.

1 MR. de BIE: You know, I was trying to indicate
2 what staff's direction to LEA's is. In terms of our
3 advice in an advisory on inspecting facilities, we
4 encourage them to do it in a certain way.

5 You know, this does seem to be an issue with many
6 Board members. And, you know, perhaps staff can work with
7 the EAC or CCDH and see what the common practice is, and
8 come back at a future date and report on what we hear from
9 LEA's in terms of what they do or don't do.

10 BOARD MEMBER PAPARIAN: Yeah, I think several of
11 us would probably want to pursue this.

12 CHAIRPERSON MOULTON-PATTERSON: Yeah. I
13 definitely think so. I mean I can think back at my days
14 as a teacher. And when I had evaluations and they were
15 announced beforehand, I did perfect lessons. Now, the
16 unannounced, maybe some were really good, but maybe they
17 weren't quite as perfect. So I certainly think that we
18 need to be doing that to get a full picture.

19 Okay. Thank you all.

20 Mr. Jones.

21 BOARD MEMBER JONES: Madam Chair?

22 CHAIRPERSON MOULTON-PATTERSON: Yes.

23 BOARD MEMBER JONES: I'll move adoption of
24 Resolution of 2003-70, consideration of a revised full
25 solid waste facility permit (disposal facility) for the

1 Shafter-Wasco Sanitary Landfill in Kern County.

2 VICE CHAIRPERSON MEDINA: Second.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
4 motion by Mr. Jones, seconded by Mr. Medina, to approve
5 Resolution 2003-70.

6 Please call the roll.

7 SECRETARY WADDELL: Jones?

8 BOARD MEMBER JONES: Aye.

9 SECRETARY WADDELL: Medina?

10 VICE CHAIRPERSON MEDINA: Aye.

11 SECRETARY WADDELL: Paparian?

12 BOARD MEMBER PAPARIAN: Aye.

13 SECRETARY WADDELL: Peace?

14 BOARD MEMBER PEACE: Aye.

15 SECRETARY WADDELL: Washington?

16 BOARD MEMBER WASHINGTON: No.

17 SECRETARY WADDELL: Moulton-Patterson?

18 CHAIRPERSON MOULTON-PATTERSON: Aye.

19 Number 6.

20 ACTING DEPUTY DIRECTOR WALKER: Item 6 is
21 consideration of revised full solid waste facilities
22 permit (disposal facility) for the Amador County Sanitary
23 Landfill, Amador County.

24 And at the time of the Committee meeting, we did
25 not have sufficient information in place to provide the

1 staff recommendation. So that item was forwarded to the
2 Board without a recommendation.

3 Since that time staff has done quite a bit of
4 work and has been able to complete that in order to make a
5 recommendation of concurrence.

6 In addition to those aspects, staff has taken
7 back a number of questions that the Committee had raised
8 and worked on those, and will provide a response to that
9 in the staff presentation.

10 So from here I'll hand it over to Virginia
11 Rosales, who will give the staff presentation.

12 MS. ROSALES: Good afternoon, Madam Chair, Board
13 members. As Scott indicated, we do have a revised agenda
14 item, revised proposed permit and a revised resolution
15 that you should have in front of you now. And there are
16 copies on the back table for interested parties.

17 The Amador Landfill, also known as Buena Vista
18 Landfill, is owned and operated by Amador County Public
19 Works Department. The day-to-day operations are
20 contracted to Amador Disposal Company, a subsidiary of
21 Waste Connections, Incorporated.

22 Currently there are four discrete phases in the
23 design of the landfill. Phase 1 is a closed 16-acre unit,
24 Phase 2 is a clay-lined unit, and Phase 3 is a
25 composite-lined unit.

1 Together Phase 1 and Phase 2 make up a total 13
2 acres, which is the active area, with an estimated closure
3 date of 2004.

4 The three units create the current 29-acre waste
5 footprint. Although there is potential to expand into
6 Phase 4 beyond the existing 29 acres, no design plans have
7 been included for that in this permit revision.

8 In summary, the proposed permit will allow for
9 the following:

10 To find a waste footprint to be 29 acres instead
11 of a disposal area of 74 acres;

12 Increase the total permitted area from 113 acres
13 to 261.97 acres to incorporate the wood-waste operation
14 and wood-waste storage area and add a 116.85-acre reserve
15 area west of the Buena Vista Road;

16 Increase the maximum elevation from 400 to 440
17 feet;

18 Allow for the use of alternative daily cover;

19 Update the report of disposal site for the RDSI
20 by describing the current operations, including but not
21 limited to the interrelationship between the adjacent
22 permitted MRF and the landfill and identify the septage
23 treatment facility now located at the landfill;

24 Specify the receipt of waste from the MRF to be
25 after 6 a.m., and clarify that no operations shall occur

1 in the hours of darkness;

2 Finally, clarify that the 200 vehicles per day
3 limit includes vehicles for the landfill, MRF, and the
4 septage treatment plant.

5 As changes to the item in the proposed permit
6 have occurred within the last few days, I'll walk you
7 through those changes in the proposed permit.

8 On Page 1 in the permitted hours of operation the
9 sentence that stated, "The site is not open to the general
10 public" has been deleted. This site is and has been open
11 to the general public. The intent of this was to ensure
12 that public access to the active base is limited and
13 certain loads would go to the active base at the direction
14 of the gatehouse attendant.

15 On Page 2, in Section 15 of the permit, the
16 documents that describe and/or restrict the operation have
17 been updated to include the amendments to the RDSI,
18 identify the CEQA document and the CUPA permit for the
19 household hazardous waste located on-site.

20 On Page 4, in permit Condition B, the requirement
21 was added that the facility log must have a minimum entry;
22 and in Condition I, the health and safety plan has been
23 added to the list of operating records that must be
24 maintained at the landfill.

25 Board staff have determined the proposed permit

1 is in conformance with the county's countywide siting
2 element, the funding for the closure/post-closure
3 maintenance and the operating liability are adequate, RDSI
4 now meets the requirements of Title 27, and the CEQA is
5 adequate for the Board's environmental evaluation of the
6 proposed project.

7 During staff's 2002 pre-permit inspection --
8 during staff's December 2002 pre-permit inspection there
9 was one violation noted for daily cover and a violation of
10 the terms and conditions of the permit.

11 On February 4th Board staff conducted an
12 unannounced focus inspection of the daily cover. The
13 daily cover was found to be adequate and in compliance
14 with state minimum standards, thereby correcting the
15 violation.

16 On February 7th the LEA also conducted an
17 unannounced inspection of the daily cover and found it to
18 be adequate and in compliance.

19 The violation of the terms and conditions of the
20 permit will be corrected for the issuance of the proposed
21 permit.

22 Although the compliance history does not look
23 good, these are violations of the past and have been
24 corrected with the exception of the terms and conditions
25 of the violation. I've been informed that the Amador

1 County Board of Supervisors is very serious about bringing
2 this facility into compliance and recently appointed a new
3 county administrative officer that is a driving force to
4 do just that, and steps are being taken as we speak to
5 continue to bring this facility into compliance with all
6 regulatory requirements.

7 At last week's Permitting and Enforcement
8 Committee meeting, there were concerns of the wood-waste
9 pile raised by Committee members. As Mr. Rod Schuler,
10 Director of Public Works, indicated last week at the
11 Committee meeting, they are beyond their limits but were
12 currently taking the wood waste to the active face for
13 disposal. And steps were being taken to get a grinder
14 on-site to reduce that pile.

15 Since the wood-waste pile is currently outside
16 the permitted boundary, the LEA has relied on the Jackson
17 Valley Fire Protection District to set forth the
18 requirements for the wood-waste pile. In July 2000 the
19 fire protection district confirmed in writing the
20 requirements of the operation of the wood-waste pile that
21 were previously verbalized in October 2001 to the Public
22 Works Agency.

23 The requirements include a limit to the size of
24 the wood-waste pile. The proposed permit incorporates the
25 requirements of the fire protection district on Page 4 in

1 Condition K of the proposed permit. This will give the
2 LEA the ability to better regulate the wood-waste pile.

3 Since the Committee meeting last week I have
4 spoken with the Chief, Mr. Tom Reed, of the Jackson Valley
5 Fire Protection District to insure that the July 2002
6 requirements are the most current requirements and to
7 determine if any recent inspections of the wood-waste pile
8 had been conducted.

9 After our conversation Mr. Reed made a visit to
10 the sight to look at the wood-waste pile. Yesterday Mr.
11 Reed informed staff that although the wood-waste pile is
12 larger than the requirements allow, steps are being taken
13 by the county to get a grinder on site to reduce the pile.
14 And the grinding of the wood waste could potentially start
15 as early as this week.

16 Mr. Reed indicated he would continue to monitor
17 the situation and will respond as deemed appropriate if
18 the actions of the county to reduce the wood-waste pile
19 cease.

20 The Amador County Board of Supervisors in a
21 public hearing scheduled this morning discussed the status
22 of hiring a company to do the grinding of the wood-waste
23 pile.

24 Around noon today I received a message from Mr.
25 Reed indicating he would afford a copy of the minutes

1 and/or the resolution of today's meeting that indicates
2 they are moving forward in getting the grinder on-site.

3 Also at the Committee meeting last week Board
4 heard concerns from Mr. Jerry Cassesi representing a group
5 of home owners in the Ione area. Mr. Cassesi raised
6 concern over several issues, including concern of leaking
7 septage and/or leachate and indicated that the Water Board
8 had issued a cease and desist order to the landfill.

9 As the Board is aware, Mr. Cassesi's issues are
10 within the scope of the Regional Water Quality Control
11 Board. However, since the issues were raised at the
12 Committee meeting last week, Board staff have been in
13 contact with Water Board staff to better clarify the
14 status of the cease and desist order.

15 In April 2002, a notice of public hearing for
16 tentative revised waste discharge requirements, or WDR's,
17 and a proposed cease and desist order for the landfill was
18 scheduled for June 2002. Tentative WDR's cannot be
19 forwarded to the Water Board for approval if a facility is
20 not in compliance unless a cease and desist order is made
21 a component of the WDR's as a matter of procedure.

22 Since the noticing last year of the tentative
23 revised WDR's and the cease and desist order, Water Board
24 staff reports that the county public works have made
25 significant efforts to come into compliance with their

1 current WDR's.

2 Currently the Water Board staff are working on
3 new tentative WDR's without a cease and desist component,
4 and anticipated it to go forward to their board in March
5 or April of this year.

6 In short, Water Board staff reports that the
7 Class 2 surface impairment no longer receives septage
8 waste, so that should address the concern of Mr. Cassesi.

9 Over the last several months Board staff has been
10 in close working relations with the LEA and operator to
11 resolve many issues and get this permit to be as it is
12 today. Consequently Board staff have now determined that
13 all the requirements for the proposed permit have been
14 fulfilled.

15 Board staff recommends the Board adopt Resolution
16 number 2003-71, concurring in the issuance of Solid Waste
17 Facilities Permit 03-AA-003.

18 This concludes staff's presentation.

19 Mr. Rod Schuler, the Director of Amador County
20 Public Works, representing the owner/operator, and
21 Margaret Blood, representing the Amador LEA, are here
22 today and available to answer any questions you may have.

23 CHAIRPERSON MOULTON-PATTERSON: Okay. Before we
24 go to public comments, Mr. Paparian.

25 BOARD MEMBER PAPARIAN: Yes. I want to clarify

1 something about the wood-waste pile.

2 I understand what you said about some commitments
3 being made to buy some equipment to deal the wood-waste
4 pile. But if we approved this permit, the wood-waste pile
5 would be within the perimeter of the facility. If we
6 looked at the wood-waste pile today, would that be an
7 allowable activity or would that be in violation of
8 something, if it just sat there and nothing more happened
9 to it?

10 MR. de BIE: If I could ask for a little
11 clarification on your question.

12 BOARD MEMBER PAPARIAN: If we granted this permit
13 and you went to the site tomorrow and you looked at that
14 wood pile, would you feel obliged to write up a violation
15 if it was just sitting there? Or would you look at it and
16 say, "Well, there's this big ugly wood pile, but there's
17 no violation there?"

18 MR. de BIE: Just to put a finer point on it, if
19 you act on the permit today, the LEA still needs to issue
20 it before it becomes an affected permit, and that might
21 not be today or tomorrow, but it might be -- because once
22 the permit's issued and you went out and looked at that
23 wood pile, it's our understanding from the fire authority
24 that it is larger than they want it to be. So since the
25 fire authority's requirements are now -- will be part of

1 this permit, then it would -- it can be considered to be a
2 violation of the permit in that they don't meet that
3 standard. And so Board staff could note a violation and
4 the LEA could also note a violation relative to that.

5 If the permit is not acted on today or issued
6 later, that pile would remain outside of the purview of
7 the landfill and the LEA would continue to depend on the
8 fire authority for the sole regulatory entity on that
9 pile. But bringing it in allows the fire authority to
10 continue and then also adds the LEA and the Board to that.

11 BOARD MEMBER PAPARIAN: The slightly awkward
12 position I find myself in is -- and I'm going to have to
13 look it up in the codes I think -- I feel like I'm not
14 supposed to vote for a permit when I know that granting
15 that permit will result in something that's in violation
16 of our standards and conditions. And it sounds like
17 that's the case here. We don't have a long-term wood pile
18 violation policy like we have with the gas violation
19 policy.

20 MR. de BIE: We don't have one of those, no.

21 BOARD MEMBER PAPARIAN: I don't know. Maybe
22 counsel wants to give some clues here.

23 CHIEF COUNSEL TOBIAS: Our current policy the way
24 that the Board has handled these permits and outstanding
25 violations up till now, and including now, is that the

1 prevailing thought has been that it's better to have these
2 facilities come into compliance with a permit as opposed
3 to letting them stand out there without an updated permit
4 but without standing violations.

5 So, what we've tried to do in the past is draw a
6 line between permitting and enforcement. And when a
7 facility has a situation like this where there's something
8 that's out of conformance, the idea has been to bring it
9 forward and to put it into conformance with the permit.

10 And I'm not saying that's good or bad, right or
11 wrong. I'm saying that that's the way we've done it up
12 till now. The idea's that it's better to have an updated
13 permit, because so many of these facilities had outdated
14 permits in the first place.

15 My understanding about the wood pile is that it
16 was outside the gates of this facility. And I don't have
17 a lot of facts on it, so I'm not going to say one way or
18 another what the enforcement could have been. But I think
19 it's possible that it would be illegal disposal if it's
20 sitting outside the confines of the facility and is not
21 being dealt with. But I haven't seen it. I don't know
22 that much about it.

23 I think the way that this operator has chosen to
24 deal with this is to say that they want to permit that
25 area and to bring it within the confines of the permit,

1 which means that we would then have a little bit more
2 control over it.

3 BOARD MEMBER PAPARIAN: Okay.

4 MR. de BIE: It's staff's view that bringing it
5 into the landfill permit would bring the LEA into play in
6 terms of getting that pile into compliance. And so we
7 will have increased protection of the environment in doing
8 that.

9 BOARD MEMBER PAPARIAN: Would the wood pile be a
10 state-minimum-standard issue or a term-and-condition
11 issue?

12 MR. de BIE: It would be definitely a
13 term-and-condition issue because there is a specific
14 condition in the permit that directly reference the fire
15 authority requirements. So certainly that.

16 It could also be addressed as a state minimum
17 standard violation for salvage material. There is a state
18 minimum standard relative to salvage that talks about that
19 you know, salvaging piles or materials should be, you
20 know, stored in such a way that it doesn't create
21 issues -- nuisance issues, those sorts of things.

22 Whether this pile would reach the threshold of,
23 you know, being noncompliant with that state minimum
24 standard, I can't tell you today. I haven't actually
25 viewed the pile. Perhaps the LEA could give you her point

1 of view on whether or not she feels that the pile as it
2 exists would contribute to some issues that would lead to
3 a violation of those standards.

4 BOARD MEMBER PAPARIAN: It might be worth
5 exploring that. Because, you know, Mr. Washington raised
6 this morning that we don't have much authority. But the
7 authority that I do read here that if we determine that a
8 permit is not consistent with the state minimum standards,
9 the Board shall object to provisions of the permit and
10 shall submit those objections to the LEA.

11 CHAIRPERSON MOULTON-PATTERSON: Is the LEA here?

12 BOARD MEMBER JONES: Madam Chair, can I ask Ms.
13 Rosales a question?

14 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

15 BOARD MEMBER JONES: What condition are you
16 looking at in the permit on the wood waste?

17 MS. ROSALES: Condition K.

18 BOARD MEMBER PAPARIAN: Yeah, I think it's
19 Condition K under the revised one where we get into the
20 fire thing. But I'm trying to draw the distinction, Mr.
21 Jones, between the permit condition and state minimum
22 standards, state minimum standards being where I think we
23 have slightly more responsibility related to the issuance
24 of a permit.

25 BOARD MEMBER JONES: Yeah, but I guess -- and I'm

1 trying to follow your logic. Because right now that's a
2 recycling activity that's going to be included into a
3 permitted boundary. And you're saying that it would be
4 out of violation immediately?

5 BOARD MEMBER PAPARIAN: That's what I've been
6 asking the staff to --

7 BOARD MEMBER JONES: That's what I've been
8 listening to the dance. And I'm wondering why it
9 becomes -- why it's out of violation the minute that it
10 becomes a permit. I mean that would be the first time
11 I've ever seen that happen. So I was just kind of
12 wondering why that pile became a violation the minute it
13 became a permitted facility.

14 CHAIRPERSON MOULTON-PATTERSON: Mr. de Bie, did
15 you want to answer that?

16 MR. de BIE: Currently the fire authority has
17 opined that it's larger than they allow. So the fire
18 authority has limited the size of that pile as it exists
19 today. And they have opined, as Virginia indicated, that
20 it's larger than they are allowing.

21 And so when it comes into the permit, the
22 condition is written, it says, "Operator, you will comply
23 the fire authority's requirement on the size of that
24 pile," among other things. And it's bigger than the fire
25 authority allows right now.

1 BOARD MEMBER JONES: All right. And that's why I
2 asked what condition, because Condition K says implement a
3 written fire requirement for this and have 30 days -- get
4 it to the LEA within 30 days.

5 MR. de BIE: If they change, yes.

6 BOARD MEMBER JONES: Well, and that's -- and so
7 it sounds to me like the LEA -- well, I'll let the LEA
8 answer. But there is still the option of taking all that
9 wood and putting it in the working phase, as long as
10 you're under the permitting tonnage, correct?

11 MS. BLOOD: Correct.

12 BOARD MEMBER JONES: Okay.

13 MS. BLOOD: And they have --

14 CHAIRPERSON MOULTON-PATTERSON: Your name please.

15 MS. BLOOD: My name is Margaret Blood. And I'm
16 the LEA Amador County.

17 The operator, when it was -- before it was
18 actually measuring it, what we were -- they were just
19 estimating. They estimated that they had -- were closed
20 to or had exceeded the limits imposed by the fire
21 authority and discontinued disposing of any more waste --
22 or, rather, stockpiling wood waste at the wood-waste
23 stockpile. And it has been going to the working face
24 since that time, which I'm guessing was been three to four
25 months.

1 However, once the conditions of the fire
2 authority became clear from his report that we were beyond
3 the limits he had imposed, and this permit becomes
4 established, it would then be a violation of the permits
5 and condition. Whether it would also be a -- I would --
6 my interpretation of the laws would be that it would not
7 be a violation of state minimum standards in addition to
8 being a violation of the permit conditions because the
9 permit condition is specifically written to address the
10 wood-waste pile and written with the input from the fire
11 authority.

12 BOARD MEMBER PAPARIAN: Okay. That's the type of
13 information I was looking for. And I think I'll want to
14 circle back in a second with our staff to be sure that
15 they now concur that it wouldn't be a violation of state
16 minimum standards the day the permit was issued.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
18 Did you want to ask that of staff right now?

19 BOARD MEMBER PAPARIAN: I don't know if they're
20 ready to answer it.

21 Are you ready to --

22 CHAIRPERSON MOULTON-PATTERSON: We do have public
23 speakers.

24 MR. de BIE: Sorry. We were conferring on
25 something. Could you repeat the question?

1 BOARD MEMBER PAPARIAN: Yeah, you might have
2 missed what the LEA just said. But she suggested that she
3 would view it the day it was issued as a potential
4 violation of the terms and conditions and not the state
5 minimum standards. And I want to -- before I vote on
6 this, I want to know what the staff thinks with regards to
7 a state minimum standard.

8 MR. de BIE: I'm going to ask Virginia to answer
9 that because she has actually been out there and viewing
10 the pile. And based on her experience on a similar
11 situation and similar piles, whether she would view it as
12 a noncompliant with the salvaging requirements.

13 MS. ROSALES: The wood-waste pile is isolated and
14 it does have a buffer around it. And those were part of
15 the requirements of the fire protection. So they have
16 complied with that. And there is no real public nuisance.
17 There is -- this is in a rural setting.

18 BOARD MEMBER PAPARIAN: So if you went to the
19 site the day after the permit was issued, would you look
20 at the pile and think it was a violation of state minimum
21 standards or not?

22 MS. ROSALES: Of the terms and conditions, I
23 would, because --

24 BOARD MEMBER PAPARIAN: Terms and conditions,
25 yes. State minimum standards --

1 MS. ROSALES: -- no.

2 BOARD MEMBER PAPARIAN: Okay. Thank you.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

4 Any other questions or comments before we go to
5 the speakers?

6 Okay. We have two speakers. And I would ask
7 that you not go over five minutes since we have a lot of
8 agenda items yet to go.

9 Sylvia Maxwell Navarro.

10 MS. NAVARRO: Good afternoon. My name is Sylvia
11 Maxwell Navarro, Madam Chair, members of the Board.

12 I represent the public in Amador County. We
13 submitted a petition of 535 signatures last week for your
14 Board to review. And it was given in the attention of Mr.
15 Washington. I hope that you received that. And I am
16 representing those people today.

17 Amador County is a beautiful recreation county.
18 A big part of the county's revenue comes from the
19 recreational facilities. We must protect our county with
20 preventative maintenance. We do not want a tragedy like
21 Fresno County has had. We want to take strong measures to
22 prevent any kind of tragedy like this happening in Amador
23 County.

24 Our existing dump has had numerous violations.
25 And now there is talk that we may be looking at expansion.

1 If we have numerous violations now, we do not want to
2 expand, because we have to correct what's already there
3 and make sure there's nothing but preventative maintenance
4 to maintain the dump we have. We would much prefer to
5 have it go into a transfer station.

6 Around this dump are many residents. The Oaks
7 Community, which houses 600 adults and 100 children.

8 Please take a very good look at the violations
9 and consider the public, what we're dealing with. Because
10 we do not want to be faced with anything like Fresno
11 County is faced with.

12 We would not want to see Amador County become
13 Amador Dump County.

14 Thank you for your time.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you very
16 much.

17 Jerry Cassesi. I'm sorry if I didn't pronounce
18 it right.

19 MR. CASSESI: Thank you, Madam Chair. Jerry
20 Cassesi. I'm also from Amador County.

21 I'll try to keep this with five minutes. Since I
22 spoke last time, I won't go over all the problems that we
23 talked about last time. I do want to give you a little
24 bit of history.

25 We've heard some comments here from other

1 counties of how they handed out handouts and they notified
2 people. Well, I'm here to give you the other side of the
3 story from Amador County, because nothing like that
4 happened in Amador county.

5 In fact, as you all know, if this goes through
6 today, the county's plan is to attempt to purchase that
7 property adjacent to the landfill, expand this landfill
8 from a hundred something ton a day -- I think
9 approximately 121 ton a day to the sky is the limit. It's
10 a private vendor. Eight hundred ton a day is not beyond
11 the realm of possibility. And I say that because I asked
12 that very question in a Board of Supervisors' meeting, and
13 they concurred it could be that high.

14 We were told in the very beginning that this sale
15 was being proposed because they needed to get out from
16 under the liability of that landfill. There's already a
17 leachate plume under the road. I want to describe this a
18 little bit. You probably have the area in a map before
19 you. I'm not sure. But where The Oaks Community lives is
20 on the west side of a north-south two-lane road called
21 Ione-Buena Vista Road. The landfill is on the east side
22 of that road. The only thing that's separating The Oaks
23 Community from this landfill is the width of that road.

24 Landfill also -- the county purchased that
25 property adjacent to The Oaks because a leachate plume

1 came under the road and contaminated that property.

2 So as an out-of-court deal, they purchased the
3 property from that property owner. So now they own behind
4 The Oaks to the west and they own to the east. Now they
5 want to expand to the north. And we were told it's
6 because they want to get out from under the liability.

7 But the real reason is monetary. The real reason
8 for doing this is so the county can increase the revenues.
9 If you look at their own documents, there was an
10 environmental report -- I'm looking at Volume 2 of 2 in a
11 environmental report. I know you folks have already had
12 these documents. But in there they talk about it being
13 less expensive to transfer the waste to Nevada than it is
14 to put it in that landfill. So there's only one reason
15 for increasing that landfill, and that's to increase
16 county revenues.

17 Now, we're all for increasing county revenues. I
18 mean -- but the residents of Amador County do not believe
19 that we should be increasing revenues by taking in
20 garbage, especially when you have a site with that many
21 violations.

22 We won't go into the regional water quality
23 violations. We covered those last time. But if you just
24 look at your own violations, it's just violation after
25 violation after violation. And what you're getting in

1 turn are promises. It's almost like, "You caught me.
2 I'll clean it up." Next year you come along, "You caught
3 me. I'll clean it up."

4 I totaled up the violations in your little agenda
5 item there, and I separated them out item by item. I
6 notice in some of those areas they included a whole bunch
7 of violations together. I separated them out, and I
8 counted them up. I came up with 161 violations in the
9 five-year reporting period -- 161 violations.

10 But they're still operating.

11 Now, granted, some of the violations were
12 regarding signs, some of them were minor. But if you look
13 at all those violations, how many of them were for failure
14 to control explosive gases? I mean they're serious items.
15 Failure to control leachate plume. They had a leachate
16 plume problem in 1991. You've got a copy. It says here
17 that this copy of the Canoli environmental report was
18 sent -- two copies was sent to Integrated Waste
19 Management. And this is dated September 9th 1991.

20 And if you look at this document, way back in
21 1991 they're talking about polluted groundwater, they're
22 talking about aquifers under that site where it's
23 presently right now. They're talking about mine shafts.
24 That's an old mine area where they dug these test holes.

25 Can anyone on this Board or anyone from the

1 County of Amador tell the residents Amador County right
2 now, today, where that leachate plume is, the extent of
3 that leachate plume?

4 Can they tell us if it's going 117 feet a day or
5 is it moving five feet a day. Is it only going to the
6 west behind The Oaks, or is it going to the south? Is it
7 going to the north? I'm asking somebody to tell the
8 residents of Amador County where that leachate plume is
9 going.

10 But, yet, they're here today to not only have
11 their permit renewed, but to get an expansion, to expand
12 it eight-fold almost.

13 We talked about the people in The Oaks. There's
14 not only all those residents, but a lot of those residents
15 are older folks.

16 You know, The Oaks -- I was on the planning
17 commission when The Oaks was put in. The Oaks is what we
18 call affordable housing. Those people, you know, don't
19 have the means to just pick up and move any time they
20 want. And Assemblywoman Reyes mentioned here earlier that
21 her constituents weren't victims but they're being made
22 victims. That's exactly what's happening here. We're
23 making those people victims. We're polluting the air,
24 we're polluting the water, and we're continuing to do so
25 time after time after time, continual violations with this

1 Board, with the Regional Water Quality, and they continue
2 to operate.

3 And we're begging somebody to stop this
4 operation. We're not -- you know --

5 CHAIRPERSON MOULTON-PATTERSON: Please --

6 MR. CASSESI: -- were not the kind of people
7 that say, "Don't put it in our backyard. You know,
8 anywhere else." We're willing to accept a transfer
9 station, but only a transfer station that's run according
10 to the regulations. What good are the regulations if they
11 keep violating them and they keep getting their permit?
12 They're here before you today -- and there's questions
13 about a current violation, and they're here now for a
14 renewal on their permit.

15 CHAIRPERSON MOULTON-PATTERSON: Please conclude.

16 MR. CASSESI: Okay. Well, you know, without
17 going through this step by step and reading to you -- and
18 obviously I don't have the time to do that, you're going
19 to cut me short on it. So I just would urge you to follow
20 the law, follow the regulations, and consider their past
21 record, please.

22 Thank you very much.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you both
24 for being here.

25 I wasn't at the Committee meeting. I am having

1 some problems with this one.

2 The Water Board has a cease and desist order on
3 this facility; is that correct?

4 MS. ROSALES: No, they do not have. There was
5 one that was included with tentative WDR's. But that
6 was because at that time, in April 2002, they were not in
7 compliance. And as a matter of procedure they have to
8 include the cease and desist order with the tentative
9 WDR's so that the Board can review and approve those
10 WDR's.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. And I have
12 a question, and maybe you've covered this, but maybe you
13 can indulge me and cover it again. This wood pile that
14 the fire department says is too big, is the thinking of
15 the staff the only way that we get it under control is to
16 grant this permit? Is that what you're saying? I mean it
17 seems like to me the fire department could come in there
18 and say, "Get rid of it."

19 MR. de BIE: They could. That's certainly their
20 option. It's --

21 CHAIRPERSON MOULTON-PATTERSON: I mean after what
22 we've seen today.

23 MR. de BIE: Yes. Virginia has talked with Tom
24 Reed, correct? -- the person at the fire district. And
25 based on the assurances from the county that they are

1 moving forward to reduce the size of that pile, he is not
2 contemplating taking any unilateral action at this time.

3 It's staff's opinion that bringing that pile into
4 this permit would allow the LEA to step forward and take
5 action as they deem necessary to bring that pile, you
6 know, under control. So we're adding the LEA's direct
7 ability by saying, "This is certainly within your
8 authority now. It's part of the landfill." And they can,
9 you know, take action.

10 Right now it's sort of -- you know, it's outside
11 the landfill, it's not part of a solid waste facility, so
12 they don't have clear authority to step in. They have
13 certainly some authority in terms of potentially deeming
14 it as illegal disposal or a nuisance issue. But once it's
15 within the landfill, they certainly have clear authority
16 to step in and address any issues with that pile.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. de
18 Bie.

19 I want to open it up to the Board members.

20 Mr. Jones.

21 BOARD MEMBER JONES: Thanks, Madam Chair.

22 Question for the LEA. And she may need help from
23 our staff. Under your Term and Conditions K, implement
24 the written fire requirements of the Jackson Valley Fire
25 District. If they don't, who is going to enforce that

1 condition, you or the fire district?

2 MS. BLOOD: Well, we would. With the --

3 BOARD MEMBER JONES: Okay. Because under 1220 --
4 under AB 1220, our permits have to be -- have to deal with
5 the Waste Board, right?

6 MS. BLOOD: Correct.

7 BOARD MEMBER JONES: So you can't -- if you can't
8 enforce that condition, then it's not in an appropriate
9 condition. You got to figure out a different way to write
10 it.

11 But just -- you need to let us know what your
12 plans are on that, because it's obviously an important
13 point.

14 MS. BLOOD: Well, my understanding would be that
15 I would write it as a violation. And if in the following
16 month it were not corrected, we would meet with the
17 operator and try to understand why this can't be done; try
18 to also explain, especially with recent events, the
19 seriousness of the issue here with a large wood pile and
20 the possibility, and to work with the fire protection
21 district.

22 I don't know if you're aware, but this is the --
23 this is a voluntary fire district. The people that work
24 for that -- Mr. Reed, you know, he has other -- he has a
25 full-time job, so we does this when he can. Without

1 having the authority through the permit I'm afraid that to
2 leave it to, you know, his available time is -- you know,
3 is more courting disaster than if we are out there every
4 month and able to continue to, you know, keep the pressure
5 on the county to reduce the pile.

6 I also understand that the County Board of
7 Supervisors just this morning have approved a contract to
8 get a chipper out there and start reducing the pile within
9 the next couple of weeks. So I'm very confident that this
10 is not going to become an issue. But of course, as you
11 can see from the record, I'm not afraid to write the
12 county up for a violation of -- you know, of the state
13 minimum standards or permit violation, to bring these
14 things to their attention so they can correct them.

15 And I believe, in looking at the record in full
16 detail, you'll see that they do -- now, there's been an --
17 you know, there's some things that have repeated. But in
18 most cases most violations that occur or brought to their
19 attention are corrected. A landfill is a large and
20 changing dynamic environment that is -- we never make any
21 preannounced inspections. I've never done that in my
22 career. And I don't believe other LEA's do otherwise.
23 And so, you know, when it's a bad day and people call in
24 sick and things don't look so good, that's reflected in
25 that report.

1 BOARD MEMBER JONES: Let me ask you one other
2 question.

3 Will the fire plan that the fire district or the
4 operator ends up writing, will that be part of the joint
5 technical document which you will enforce?

6 MS. BLOOD: Yes.

7 BOARD MEMBER JONES: Okay. All right.

8 Let me just ask Kathryn.

9 The fact that that plan becomes part of the joint
10 technical document for the LEA to enforce, that kind of --
11 does that take care of AB 1220 separation issues? Because
12 she'll be ultimately responsible for enforcement.

13 CHIEF COUNSEL TOBIAS: Yeah. I think it does. I
14 still have some concerns about it. But I do understand,
15 you know, what you're saying and I do understand what
16 she's saying. I think it might be better if these -- the
17 requirements of whatever is in this letter or however the
18 fire districts said that -- what the operator needs to --
19 I think it would be better if it was spelled out. But
20 maybe that's what the joint technical document's going to
21 have it in. You know, this doesn't even have a date on it
22 by which -- you know, we don't even know which letter or
23 which requirements we're talking about here at this point.
24 So I think having it in the joint technical document would
25 at least allay those fears.

1 BOARD MEMBER JONES: Thanks.

2 CHAIRPERSON MOULTON-PATTERSON: How big is it
3 again, this wood pile I mean, just approximately?

4 MS. BLOOD: It's approximately 300 by 200 feet
5 and 15 feet high.

6 CHAIRPERSON MOULTON-PATTERSON: That's large.

7 BOARD MEMBER JONES: Can I ask a question, Madam
8 Chair?

9 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Jones.

10 BOARD MEMBER JONES: Is it a brush pile? Is
11 there C&D or a brush pile or --

12 MS. BLOOD: It's wood. It's wood. It's wood
13 that's been pulled out of the --

14 BOARD MEMBER JONES: I understand it's wood.
15 Brush is wood too.

16 Is it a C&D pile out of the transfer station or
17 is it a drop-off brush pile for the residents?

18 MS. BLOOD: It's actually -- it's both. It is
19 both wood pulled off of the MRF. But any wood that goes
20 up there from self-haul is inspected before it's allowed
21 up there.

22 BOARD MEMBER JONES: All right.

23 CHAIRPERSON MOULTON-PATTERSON: Okay. Any other
24 Board questions?

25 Ms. Peace.

1 BOARD MEMBER PEACE: I have another question.

2 I got a letter here -- well, it's addressed to
3 Mr. Washington. I received a copy of it from The Oaks
4 Community Association. And they are very concerned about
5 a proposed extension of the land across Buena Vista Road
6 from the existing landfill that would border their
7 community. And in the permit, a 116-acre reserve area
8 west of Buena Vista Road was added. And I would like to
9 know what that reserve is for. Is that for a buffer or is
10 that for future expansion?

11 MS. BLOOD: I think it would be best if Mr.
12 Schuler from the Public Works Department discusses that.

13 At this point in our permit it is buffer. There
14 are no plans at this point for any other activities.
15 However, the county has been working with the -- you know,
16 developing an EIR and identifying that property for what
17 they call ancillary activities, such as a transfer
18 station. But I am not -- that's not a part of our permit
19 and that's not something I'm, you know, real intimate
20 with.

21 But Mr. Rod Schuler from -- our Public Works
22 Director, he's been working with the county and knows what
23 their future plans are.

24 CHAIRPERSON MOULTON-PATTERSON: Would you come
25 forth, please.

1 MR. SCHULER: Good afternoon. I'm Rod Schuler,
2 Director of Public Works for Amador County.

3 The LEA was correct in saying that the -- and I
4 think you have in your packet a little diagram of the
5 site. Might be helpful to look at that.

6 There are both sides of the road. The county
7 owns both sides of the road, and it's called the facility
8 boundaries. And the activity -- the landfill activity is
9 taking place on the east side.

10 And was said, the Board of Supervisors are
11 looking at what would be best for the county as a whole on
12 the total property. We haven't got any plans of disposing
13 of anything on the west side. Although, the Board of
14 Supervisors is having an environmental document look into
15 the alternatives for the Board to consider. And that
16 document will look at all aspects of landfill, either
17 continuing -- the county continuing to run it; sell it to
18 a private party to run it, perhaps even better; expansion,
19 if that's possible. And in several options that the Board
20 is looking at.

21 But, anyway, the short answer is nothing's
22 intended to go on the the west side, which is closer to
23 The Oaks. The Oaks is over a thousand feet away from the
24 activity that's taking place now.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Ms. Peace, any other question?

2 BOARD MEMBER PEACE: Yeah, I also notice you had
3 the closure dates 2004.

4 MR. SCHULER: I'm sorry.

5 BOARD MEMBER PEACE: The closure date on this
6 is -- estimated closure date 2004?

7 MR. SCHULER: Okay. If you look at the diagram,
8 there are three are phases -- or two -- actually Phase 1
9 is already closed. And we're doing a gas system in that
10 right now. We're about 50 percent through the
11 construction of a gas system on Phase 1.

12 Phase 2/3 are the active cells, with Phase 3
13 having the synthetic liner under it. And four is the one
14 to the south, furthest to the south, that is potential for
15 continuing with the landfill if the county chooses to do
16 so. It's not sure it's going to do it, but it could be an
17 option for somebody else to do it. But then we'd have to
18 come back for revisions to the permit, of course, if that
19 would happen.

20 BOARD MEMBER PEACE: You mentioned a gas control
21 system, you said that's only on the closed phase?

22 MR. SCHULER: That's on closed phase, of Phase 1,
23 yes. And we just started that this fall to have the
24 contractor install -- we have 11 wells in that Phase 1
25 right now. And the piping is being laid right as we

1 speak. And so, as I say, we're about 50 percent through
2 with the construction of that. And it will be a gas flare
3 system to burn off the methane gas.

4 BOARD MEMBER PEACE: So the numerous gas
5 violations in these reports, are they from Phase 2 or 3,
6 or are all those gas violations in Phase 1?

7 MR. SCHULER: That would be Phase 1, right. And
8 I'm not familiar with the details of those. I've just
9 been brought on board to take this under my wing as Public
10 Works Director. So a lot of these things were before me,
11 and I haven't had a chance to go back and get the details
12 of those. But the LEA is familiar with those.

13 CHAIRPERSON MOULTON-PATTERSON: Any other
14 questions, Ms. Peace?

15 MS. ROSALES: Ms. Peace, I would just like to
16 state that the violations for gas were not because they
17 exceeded the regulatory limits. Those violations were
18 because they were not doing gas monitoring at the time,
19 the quarterly gas monitoring, and there was a well that
20 was damaged. So that's what those violations were. There
21 is no history of the facility exceeding the regulatory
22 limits with the methane gas.

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

24 BOARD MEMBER JONES: No.

25 CHAIRPERSON MOULTON-PATTERSON: Oh, I thought you

1 wanted to speak.

2 We have no more speakers.

3 Do we have a motion or --

4 BOARD MEMBER JONES: Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

6 BOARD MEMBER JONES: I'll move adoption of
7 Resolution 2003-71 revised, consideration of a revised
8 full solid waste facility permit (disposal facility) for
9 the Amador County Sanitary Landfill in Amador County.

10 CHAIRPERSON MOULTON-PATTERSON: Do we have a
11 second?

12 Motion dies for lack of a second.

13 So we -- it's not deemed approved. Don't tell me
14 it's deemed approved. We don't have a motion.

15 CHIEF COUNSEL TOBIAS: No, if the Board can't get
16 a four -- a vote of four, then the permit is basically
17 deemed approved.

18 CHAIRPERSON MOULTON-PATTERSON: What?

19 Okay. So we need a motion to deny?

20 CHIEF COUNSEL TOBIAS: Right.

21 CHAIRPERSON MOULTON-PATTERSON: That's what I was
22 asking.

23 Okay.

24 BOARD MEMBER PAPARIAN: It's not -- can I
25 correct -- it's not in and of itself approved. It's

1 deferred back to the LEA, and then the LEA has the power
2 to approve, as I understand it.

3 CHIEF COUNSEL TOBIAS: Well, that's correct. I'm
4 saying there is no Board concurrence unless you deny it.
5 In order to deny it, it would have to be denying it on the
6 basis of violation of state minimum standards.

7 BOARD MEMBER PAPARIAN: Yeah, and I -- there's
8 obviously some local issues here that need to be dealt
9 with. You know, the LEA, you're very -- you're on top of
10 things. You're issuing violations, and that's a good
11 thing. But you've got some community concern that you've
12 probably got to deal with and the county probably has to
13 deal with. And, you know, for me, I'd just as soon see
14 this decision fully made at the local level and have the
15 concerns of the community addressed hopefully more fully
16 in the coming months.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. So do we
18 waive time? Are you saying you're not -- you don't want
19 to deny it; you want them more time to work this out?

20 BOARD MEMBER PAPARIAN: By our failure to act it
21 goes to the LEA, and the LEA will make the decision
22 locally to approve the permit. Presumably she'll still
23 want to approve it because that's what -- she's already
24 pushed it forward. But at the same time I think that
25 we're sending a pretty loud message that we want this

1 issue dealt with in the community. We want the community
2 and the local officials to do their best to come together
3 and try to resolve their outstanding questions and issues.

4 CHAIRPERSON MOULTON-PATTERSON: We're going to
5 have a 15-minute break so we can regroup.

6 Thank you.

7 (Thereupon a recess was taken.)

8 CHAIRPERSON MOULTON-PATTERSON: Come to order
9 please.

10 Mr. Jones, any ex partes?

11 BOARD MEMBER JONES: No.

12 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace, ex
13 partes?

14 BOARD MEMBER PEACE: No, I don't have any.

15 CHAIRPERSON MOULTON-PATTERSON: I have had none.

16 Mr. Medina.

17 VICE CHAIRPERSON MEDINA: Mark Murray & Son via
18 courier.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
20 Paparian.

21 BOARD MEMBER PAPARIAN: Yeah, Kit Cole also
22 passed along a message from Mark Murray regarding the last
23 agenda item.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
25 Washington.

1 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

2 I have Mr. Schuler, I believe that's his name,
3 with Amador County, that I was talking to.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

5 Okay. Thank you for allowing us that well needed
6 break.

7 And I'd like to call on Mr. Schuler to come on
8 up.

9 I think you can tell from our comments we're very
10 concerned about this wood pile. I mean it's larger than I
11 thought it was. And, you know, we'd like some assurances
12 on what's going to be done. So that's why I'm calling on
13 you, Mr. Schuler.

14 MR. SCHULER: Yes. Thank you very much.

15 As was said earlier, the Board of supervisors has
16 of today approved the go-ahead with a proposal that was
17 given to us to chip the -- bring in the chipper, chip it,
18 and haul out to a co-gen plant in Tuolumne County. So
19 we've got good use for it. It's not -- you know, it's
20 being reused.

21 And I believe I can get that person on board
22 within a week to start that. They're out of Lodi.

23 And my only concern is I don't want to keep
24 putting wood in the landfill. And I think I can do this
25 in 30 days. But if we get it down to where we can start

1 taking it -- diverting the wood from the land pile, it may
2 take a little longer than I expect. But I still think I
3 can do it in 30 days, but it's going to be tight. I don't
4 know if weather's going to come into play or not. But,
5 you know, right now I think it can be done in 30 days.
6 But --

7 CHAIRPERSON MOULTON-PATTERSON: So do you need to
8 waive the time, is that --

9 MR. SCHULER: If that's appropriate, either waive
10 the time or bring it back or however it's done legally to
11 give us the time to get rid of the wood.

12 CHAIRPERSON MOULTON-PATTERSON: Ms Tobias,
13 legally are we on good ground if we --

14 CHIEF COUNSEL TOBIAS: Sure.

15 CHAIRPERSON MOULTON-PATTERSON: -- if he is
16 agreeing to waive the time? They're going to try and get
17 it done and come back in 30 days and then we'll reconsider
18 the permit. Is that -- I want to be clear on this. I
19 need some help from our staff.

20 CHIEF COUNSEL TOBIAS: I think that's fine. And
21 I think he's saying that on the record. Normally we would
22 ask for a letter from the operator. But I think a
23 follow-up letter might be appropriate.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Well,
25 thank you. We appreciate that. And I think that's the

1 major concern here. And then we'll see you -- here from
2 you in about 30 days.

3 Any other questions, concerns, Board?

4 Mr. Peace.

5 BOARD MEMBER PEACE: In the permit could we also
6 make it more clear where it says estimated closure date
7 2004? Seems to me that should be made more clear, like
8 Phase 1 was closed on such a date, the estimated closure
9 date 2004 for Phase 2 or Phase 3. Make it a little
10 more --

11 MR. SCHULER: Yes, we need to specify which areas
12 that is. Yes, it would be Phase 3, yes.

13 BOARD MEMBER PEACE: But it doesn't say anything
14 here about another phase being opened and then a closure
15 year for what, Phase 4. It seems that should be a little
16 more clear in the permit.

17 MR. SCHULER: I was under the impression that if
18 Phase 4 was to be implemented, we'd have to come back for
19 an amendment. But I'm not positive on that.

20 BOARD MEMBER PEACE: Okay.

21 MS. ROSALES: This revision does not include any
22 expansion to go into Phase 4 because there are no design
23 plans for that. And that is also true with the WDR's that
24 are being drafted at this time; there is no proposal to go
25 into Phase 4 at this time. So if they so desire to do so,

1 they will need to come back and revise this permit as well
2 as their WDR's.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
4 very much.

5 EXECUTIVE DIRECTOR LEARY: Madam Chair?

6 MR. SCHULER: Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Yes.

8 EXECUTIVE DIRECTOR LEARY: Madam Chair, may I
9 just ask, for the purposes of agenda management, a
10 clarifying question?

11 I assume we're continuing this item. And I'd
12 just like the operator to propose a date. Thirty days
13 brings us to March. I don't think you'll -- he'll be
14 ready for March. So may I respectfully suggest April?

15 MR. SCHULER: That will be fine.

16 Is that going to be back here in Sacramento in
17 April or is that --

18 CHAIRPERSON MOULTON-PATTERSON: All our meetings
19 this year are going to be in Sacramento.

20 MR. SCHULER: Oh, okay. Good.

21 EXECUTIVE DIRECTOR LEARY: Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 So it's continued until April.

24 Moving right along.

25 We're on Item Number 7.

1 ACTING DEPUTY DIRECTOR WALKER: Thank you.

2 Item Number 7 is consideration of a new full
3 solid waste facilities permit (transfer/processing station)
4 for the Cedar Avenue Recycling and Transfer Station,
5 Fresno County.

6 This is a new facility, a proposed facility. And
7 at the time of the Committee meeting we did not have all
8 necessary findings that we could make in order to have a
9 recommendation. Those findings have been made, and staff
10 is prepared to recommend concurrence with the solid waste
11 facility permit.

12 And I'll hand it over to Virginia to provide a
13 brief presentation.

14 MS. ROSALES: Thank you.

15 Okay. Again with this one you should have the
16 revised proposed permit, which is dated January 30th, the
17 revised agenda item and the revised resolution. And
18 copies of these three revised documents are on the back
19 table for interested parties.

20 The Cedar Avenue Recycling and Transfer Station
21 will be located in the City of Fresno at the proposed
22 facility, will be privately owned by the Caglia Family
23 Trust, and will be operated by CARTS, Incorporated. The
24 proposed facility will be adjacent to the existing
25 permitted Orange Avenue Landfill, which is also owned and

1 operated by the Caglia family.

2 In summary, the proposed permit will allow for
3 the following: Receipt and transfer of MSW, sorting and
4 processing of commercial recyclable material, sorting
5 processing of construction and demolition material,
6 chipping and grinding of green material and wood waste,
7 sorting of residential curbside recyclables.

8 The proposed facility will have a design capacity
9 of 3,100 peak tons per day of MSW and other recyclable
10 materials. The proposed hours of operation will be 7 days
11 a week, 24 hours a day for processing and maintenance.
12 The facility will be permitted to receive material from 6
13 a.m. to 6 p.m.

14 The facility will serve the City and County of
15 Fresno. Other local incorporated cities in Fresno County
16 may also contract for service.

17 Changes in the revised proposed permit dated from
18 January 30th different from the initially proposed permit
19 submitted January 6th are: On page 1, the permitted hours
20 of operation have been changed to more clearly read
21 proposed hours of operation are 24 hours, 7 days a week.
22 On page 2, in section 15 of the permit, the date of the
23 transfer processing report has been updated to reflect the
24 new January 24th, 2003, version. On page 3, Permit
25 Condition P has been reworded to indicate incidental

1 storage of tires. And on page 5, Permit Condition R has
2 been changed to require that all green waste material
3 would be processed or chipped within 14 days of receipt or
4 disposed of.

5 Board staff have determined that the proposed
6 permit is in conformance with the City of Fresno's
7 Nondisposal Facility Element, the transfer processing
8 report is now complete, and the proposed design and
9 operation are consistent with minimum operating standards,
10 and the environmental document is consistent with the
11 proposed permit.

12 Since September 2002 Board staff have been in
13 close working relations with the LEA and the applicant to
14 resolve the issues to get this application package to what
15 it is today. Board staff have determined that all the
16 requirements for the proposed permit have been fulfilled.

17 Board staff recommends the Board adopt Resolution
18 Number 2003-72, concurring in the issuance of Solid Waste
19 Facilities Permit Number 10-AA-0187.

20 This concludes staff's presentation.

21 Evan Edgar, representing the operator, and
22 Richard Caglia, representing the owner-operator, and Hank
23 Gil and Randy Reyes for the Fresno County LEA are here
24 today and available to answer any questions you may have.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you very

1 much.

2 Mr. Washington.

3 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

4 This is one of those items where the
5 Assemblywoman was here and she spoke to me about it. And
6 it does my heart well to know that there are facilities
7 out who are doing the right thing. And this particular
8 agency has participated with -- she participated directly
9 in public hearings with these folks about this particular
10 full solid waste, transfer and processing station; that
11 she was very happy with the work that they're doing. And
12 that's the type of information we want to get when
13 approving these permits.

14 I'm move adoption of Resolution 2003-72 revised,
15 consideration of a new full solid waste facility permit
16 (transfer/processing station) for the Cedar Avenue
17 Recycling and Transfer Station, Fresno County.

18 VICE CHAIRPERSON MEDINA: Seconded.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
20 motion by Mr. Washington, seconded by Mr. Medina.

21 Seeing no further discussion, please call the
22 roll.

23 SECRETARY WADDELL: Jones?

24 BOARD MEMBER JONES: Aye.

25 SECRETARY WADDELL: Medina?

1 CHAIRPERSON MOULTON-PATTERSON: Excuse me.

2 I'm sorry. Ms. Peace had a question. I didn't
3 see that. That's why, Deborah, I really need the lights
4 up here. Please, somebody. I've been talking about this
5 for a year and a half.

6 BOARD MEMBER PEACE: I'm sorry. I have another
7 question.

8 I just think 3100 tons is like a lot of stuff.

9 Where is all this stuff going now? Where's all
10 this 3100 tons of stuff going now?

11 MR. EDGAR: Good afternoon, Board members. My
12 name is Evan Edgar on behalf of the Caglia family.

13 What we have right now is an RFP outgoing City of
14 Fresno, a request for proposal for a solid waste services.
15 All the solid waste within Fresno City is being hauled
16 directly to the American Avenue County Landfill. So
17 instead of having all that direct haul, I have over 1500
18 tons a day, which is about a thousand tons a day is MSW
19 and other recyclables, it gets to go through a transfer
20 station where we have recycling opportunities.

21 Right now the City and the County of Fresno are
22 under SB 1066, different compliance orders to recycle.
23 What this facility does is offer 54 percent recycling for
24 the SB 1066 time extension for the City of Fresno as well
25 as offering opportunities for the County of Fresno for

1 their plan of correction for their SB 1066 plan.

2 Plus in part of it we include the commercial
3 recyclables, the residential recyclables over 600 tons a
4 day, green waste for 400 tons a day, and C&D for another
5 300 to 400 tons a day. So some of the materials that were
6 going to unpermitted facilities within a Fresno region can
7 now have a full permit to recycle C&D at this facility.

8 So we view this facility has a full service
9 facility that offers 3,100 tons a day for all aspects of
10 composting, green waste, chipping, C&D, as well as MSW
11 transfer.

12 BOARD MEMBER PEACE: Where did you say the
13 residual will go?

14 MR. EDGAR: The residual will go to American
15 Avenue Landfill. It's a county-owned landfill by the
16 County of Fresno. And currently all the waste goes there
17 directly, which is about 22 miles away -- from downtown
18 City of Fresno to the county landfill is 22 miles, with
19 all the air emissions and the cost to do the direct haul.
20 This facility would transfer the garbage out there in
21 transfer trailers.

22 BOARD MEMBER PEACE: Thank you.

23 BOARD MEMBER JONES: Madam Chair.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

25 BOARD MEMBER JONES: Just one point of

1 clarification.

2 City of Fresno may try to get an SB 1066. The
3 County of Fresno is on a compliance order. They have
4 not -- they are not on an SB 1066. So they are on a
5 compliance order through our Board. And I just wanted to
6 make sure that the record reflected that.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Jones.

9 Okay. We have a motion by Mr. Washington,
10 seconded by Mr. Medina, to approve Resolution 2003-72
11 revised.

12 Please call the roll.

13 SECRETARY WADDELL: Jones?

14 BOARD MEMBER JONES: Aye.

15 SECRETARY WADDELL: Medina?

16 VICE CHAIRPERSON MEDINA: Aye.

17 SECRETARY WADDELL: Paparian?

18 BOARD MEMBER PAPARIAN: Aye.

19 SECRETARY WADDELL: Peace?

20 BOARD MEMBER PEACE: Aye.

21 SECRETARY WADDELL: Washington?

22 BOARD MEMBER WASHINGTON: Aye.

23 SECRETARY WADDELL: Moulton-Patterson?

24 CHAIRPERSON MOULTON-PATTERSON: Aye.

25 Okay. We're moving to Waste Prevention and

1 Market Development at this time.

2 And I'd like to call on the Chair of that
3 committee, Mr. Medina.

4 Mr. Medina, would you like to report?

5 VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

6 Our Committee had a special meeting on January
7 the 30th to go over the implementation of the five-year
8 tire plan. The meeting was an initial attempt to
9 formulate a plan on how the tire program would be managed
10 for the next five years.

11 Staff presented a proposed revision to the
12 five-year plan based on comments gathered at workshops
13 held throughout the state. We also had an opportunity for
14 extensive public comment.

15 I felt that we made very good progress in making
16 some necessary revisions to the plan. And we hope to
17 complete it when the Committee meets again on March the
18 7th.

19 And I'd like to commend the tire staff for the
20 efforts in regard to formulating this plan and also to
21 Board Members Paparian and Jones for the work that they
22 put into this effort.

23 On February the 4th the Special Waste Committee
24 met on its regularly scheduled day. From the Market
25 Development Division we heard several items on renewal of

1 RMDZ's, recycling market development zones. These items
2 in enjoyed Committee consensus.

3 We also heard -- regarding the findings of the
4 2002 Food Residual Diversion Summit, there was some
5 discussion presented on the collection of food residuals.
6 Because of that the item is coming before the entire
7 Board.

8 We also heard items on conversion technologies,
9 which enjoyed fiscal consensus.

10 From the Special Waste Division, we heard
11 contract concepts for the used oil program, which enjoy
12 Committee consensus also.

13 We heard a permit for a tire facility in Merced
14 County. And this item will be heard at the time of the
15 Committee, as the resolutions were not yet made available
16 to all the Committee members.

17 And, finally, we heard comments received on the
18 waste tire hauler registration and manifestation
19 regulations. The regulation package was sent out for an
20 additional 15-day comment period.

21 Regarding the food residuals. I had an
22 opportunity to participate in the summit, and found the
23 speakers enlightening and the audience engaged in the
24 discussion. This led me to believe that this was timely
25 and helpful in getting jurisdictions and others to think

1 about the range of options available for food scraps.
2 Given that this makes up 16 percent of the waste stream, I
3 feel the Board needs to direct staff to spend time and
4 resources in this area.

5 And so I support staff's recommendations.

6 And that concludes my report.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Medina.

9 At this time I'll turn it over to Mr. Lee.

10 Oh, excuse me.

11 DEPUTY DIRECTOR WOHL: Excuse me, really.

12 CHAIRPERSON MOULTON-PATTERSON: Ms. Wohl, it's
13 been a very long day. I apologize.

14 DEPUTY DIRECTOR WOHL: We look quite a bit alike.
15 I understand.

16 (Thereupon an overhead presentation was
17 Presented as follows.)

18 DEPUTY DIRECTOR WOHL: Patty Wohl, Waste
19 Prevention and Market Development Division.

20 I wanted to just open by informing the Board that
21 the Controller's office has announced that the new surplus
22 money investment fund interest rate is 2.5 percent. This
23 is a decrease from 2.9 percent. This will be the interest
24 rate charged on RMDZ loans approved by the Board starting
25 today through June 30th, 2003.

1 With that, I'd like to start with Agenda Item 14,
2 consideration of findings and recommendations from the
3 2002 California Food Residuals Diversion Summit.

4 Judy Friedman, Terry Brennan, and Yvette DiCarlo
5 will present.

6 MS. FRIEDMAN: Good afternoon, Chair
7 Moulton-Patterson and Board members. For the record, I'm
8 Judy Friedman with the Organics and Resource Efficiency
9 Branch.

10 Before I turn the presentation over to staff, I'd
11 like to give a little bit of background on the conference.

12 --o0o--

13 MS. FRIEDMAN: First of all, why hold a
14 conference on food residuals? Why should we focus our
15 effort in that area?

16 Well, first, we've been getting a lot of inquires
17 over the last couple of years about food diversion
18 programs. Second, food scraps comprise nearly 16 percent
19 of the disposed waste stream, which represents about 5.6
20 million tons annually disposed.

21 Food residuals can contribute to environmental
22 health issues, causing leachate and methane gas formation
23 in landfills. Food residuals are a valuable resource. We
24 dispose enough food residuals each year to feed much of
25 the developing world. Surely there's a better use for

1 this material than disposing it.

2 And food diversion is vital to achieving zero
3 waste, as identified in the Board's strategic plan. And
4 even for sustaining a 50 percent diversion rate. We've
5 had some jurisdictions that have a greater than 50 percent
6 goal. For example, Los Angeles has a 70 percent diversion
7 goal by the year 2020. And we also have some
8 jurisdictions where they have greater than 16 percent food
9 residual in their waste stream, and so they're very
10 interested in food programs.

11 --o0o--

12 MS. FRIEDMAN: So how does the 16 percent break
13 down? If you look at the pie chart, you will see based on
14 our 1999 waste characterization data that of the 5.6
15 million tons, approximately 49 percent is residential, and
16 the other greatest portion is restaurants, at 27 percent.

17 So we brought a contract concept before the
18 Board, and the Board approved going forth with this food
19 Summit.

20 --o0o--

21 MS. FRIEDMAN: And we had several goals going
22 into it. We really wanted to share our knowledge and
23 experience. And I should say not only our own knowledge
24 and experience, but those of our stakeholders.

25 An we wanted to hear from the stakeholders. What

1 did they see as issues? And what did they see as
2 solutions? And we wanted to get input on how we could
3 assist. We had some materials and tools, but we wanted to
4 know what more could we do and how could we -- what
5 methods could we utilize. And ultimately we wanted to get
6 input for developing recommendations for the Board, which
7 is really the genesis of this item. We believe that
8 through a tremendous team effort of Board members, staff
9 and our stakeholders, we have achieved that.

10 And I would like to now turn the presentation
11 over to Terry Brennan and Yvette DiCarlo.

12 MR. BRENNAN: Good afternoon, Madam Chair,
13 members of the Board. I'm Terry Brennan from the Waste
14 Prevention and Market Development Division.

15 The Food Diversion Summit was formatted to allow
16 both large-group presentations and small-group
17 brainstorming sessions. There were also exhibitors. And
18 a sponsored evening mixer was held on the first day to
19 allow more networking time.

20 --oOo--

21 MR. BRENNAN: The summit was attended by a
22 variety of stakeholders from throughout the state, the
23 largest group being local government representatives.

24 A concerted effort was made to recruit food waste
25 generators, who we've found are hard to get to attend this

1 type of event.

2 --o0o--

3 MR. BRENNAN: The large-group presentations were
4 made by those represented on the screen in front of you.

5 These presentations were designed to motivate
6 people, share information from state-of-the-art California
7 food diversion programs, and describe current regulations.

8 --o0o--

9 MR. BRENNAN: About half of the summit was
10 dedicated to 24 concurrent breakout sessions. These were
11 designed as brainstorming sessions focused on challenges
12 to food diversion and the solutions to those challenges.
13 There was significant overlap in the challenges and
14 suggested solutions in the different sessions.

15 Many of the resulting participant ideas from the
16 breakout sessions were actions to be taken by local
17 government or program managers. It did not require a
18 specific Board action.

19 Others were directed at the Board or were
20 suggestions that the Board could facilitate. Staff
21 grouped these ideas according to the specific actions the
22 Board could take to facilitate the solutions. These
23 groups are Board program development, policy, funding and
24 economics, research and development, legislative and
25 regulatory education outreach, and partnerships.

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MR. BRENNAN: Participants indicated a need for a central location to obtain food diversion related information or assistance tools, such as model programs and contacts, case studies, fact sheets, suggested outreach methods, and many, many others. Some of these suggested items that are available are partially developed and others have yet to be compiled or created.

There were many suggestions and solutions that, combined with existing and available materials, could be compiled and developed into a web-based food diversion information clearing house.

MR. BRENNAN: Attendees also suggested the need for a single consistent comprehensive message regarding food diversion to be promoted at the local, state, and federal level. Zero waste, sustainability and the food diversion hierarchy were all suggested as these messages.

Zero waste and sustainability are current Board strategic plan goals. The food diversion hierarchy was suggested as a comprehensive message to help in program development -- or program decisions and to get the best use out of a valuable resource.

The food diversion hierarchy is parallel to the integrated waste management hierarchy and is also designed

1 to be a waste management guidance tool for those choosing
2 to implement food diversion programs rather than a strict
3 prescriptive approach.

4 The hierarchy is as follows:

5 Waste prevention, which is the prevention of food
6 waste in the first place. It conserves the most resources
7 and is often the most economically efficient method of
8 diverting food waste.

9 Human consumption. Food that is still legally
10 suitable for people to consume should first be considered
11 for donation to food banks and rescue programs.

12 Animal feed. Food not suitable for human
13 consumption but suitable under state and federal
14 guidelines for supplementing animal feed should be
15 considered for this purpose.

16 Composting or verma composting, which is
17 composting with worms. The application of compost and
18 verma compost made from food waste to soils provides
19 numerous benefits, while also reducing or eliminating
20 hazards associated with the landfilling of this material.

21 And, finally, environmentally safe disposal.
22 Just as in the integrated waste management hierarchy, this
23 option is the last management option for food waste, but
24 is preferable to unsafe or illegal disposal options of
25 course.

1 Yvette DiCarlo is here to present some of the
2 other ideas from the breakout sessions.

3 MS. DiCARLO: Like any other recycling program,
4 funding is critical to create new food diversion programs
5 or sustain or expand existing ones. However,
6 implementation costs are often seen as too high when you
7 factor in labor, equipment and collection and
8 transportation costs.

9 Staff realizes these are complex issues. And
10 without a life-cycle analysis, not all costs of disposal
11 are considered, nor is every actual cost associated with
12 food diversion taken into account.

13 Some suggestions that came from the summit
14 included hiring an economist who can study the system and
15 frame the issues, since most local jurisdictions do not
16 have this level of expertise available for their recycling
17 programs.

18 Another suggestion was to transfer academic
19 models to real applications. These cost benefit models
20 could be made available in the suggested clearinghouse as
21 previously mentioned.

22 --o0o--

23 MS. DiCARLO: This slide shows the areas that
24 were identified by stakeholders at the summit that they
25 felt needed more research and development.

1 Biodegradable products, which are used for food
2 consumption and packaging, include utensils, cups, bowls,
3 plates, and film plastics. They're made from cornstarch,
4 limestone, wheat, and other polymers that are intended to
5 break down during the compost process.

6 More field tests are needed to determine how
7 efficiently these products perform as service ware as well
8 as how quickly and completely they degrade in the compost
9 process.

10 Because in-vessel compost technologies are not
11 widely used in California, food generators in local
12 jurisdictions are hesitant to invest in these systems.
13 Since they can cost from thousands to hundreds of
14 thousands of dollars, it will be necessary to make sure
15 these systems can perform as advertised to make investment
16 in them worthwhile.

17 Anaerobic digesters have a cross-media benefit of
18 generating methane gas for energy production as well as
19 producing a marketable organic byproduct. In a recent
20 pilot using food scraps from the Los Angeles International
21 Airport, researchers found that adding food scraps
22 actually increased the BTU's generated. These systems
23 could benefit from more development for commercial
24 applications.

25 Package separation equipment would be beneficial

1 for recovering food stuffs that are spoiled or past their
2 expiration dates. It's difficult to recover when this
3 food comes in glass or -- comes in cans or glass bottles.

4 Also, unspoiled or spoiled produce from grocery
5 stores has contamination such as styrofoam -- styrofoam
6 netting for soft fruits such as pears, plastic bags for
7 carrots and potatoes, or rubber bands strapped around
8 broccoli stems. Separating these types of contaminants
9 from food is difficult without separation equipment.

10 Since food can contain more than 50 percent
11 moisture, dewatering equipment would help reduce the water
12 weight, therefore reducing the cost of transportation.
13 This may make it more economical to collect food scraps.

14 Participants felt more research is needed in all
15 of the areas just discussed. These are included in our
16 recommendations to the Board and may allow for staff
17 development of contact concepts.

18 --o0o--

19 MS. DiCARLO: A wide variety of recommendations
20 related to legislation were made at the summit ranging
21 from landfill bans on organics to price preferencing for
22 state agencies to purchase biodegradable products.

23 One positive addition to statute could include
24 adoption of the food hierarchy, which could provide
25 guidance to local jurisdictions as how they may consider

1 diverting food.

2 We also hope to explore other options the Board
3 might consider.

4 The definition for garbage in Board regulations
5 was a concern for some participants. They felt the
6 definition may not allow for flexibility in local
7 franchise agreements to divert food scraps. Before this
8 would be considered, staff would need to determine if this
9 is an extensive problem at the local level, and if there
10 would be any unintended consequences of a definition
11 change. Staff is not proposing a change to the definition
12 in this item.

13 --o0o--

14 MS. DiCARLO: Participants felt that a difficult
15 part about educating generators about food diversion is
16 that there may not be a compelling argument at the local
17 level.

18 Many jurisdictions have met their AB 939 goals,
19 and there currently is no legislative reference to food
20 food diversion. Discussing food diversion options at this
21 time is like putting the cart before the horse. Most
22 jurisdictions that are interested in diverting food scraps
23 do not yet have an established infrastructure to do so.

24 One of our speakers at the summit who founded the
25 The NOCA Research Institute in the Bay Area pointed out

1 the need to conduct effective outreach based on language
2 and cultural differences. Her organization, which focuses
3 on waste reduction in Southeast Asian restaurants
4 identified 13 languages within that community.

5 Since restaurants make up half of commercial food
6 waste, you can see why it's critical to have effective
7 communication within these cultural communities. One way
8 to do this is to build partnerships with state and local
9 jurisdictions, which Terry will talk about next.

10 --o0o--

11 MR. BRENNAN: Partnerships were emphasized
12 throughout the summit, both during presentations and
13 during the breakout sessions. Partnerships were seen as a
14 great way to leverage resources to meet common goals, both
15 at a state and local level. Some potential partners are
16 listed on your screen.

17 The objectives of these partnerships could be to
18 identify common goals, identify industry concerns and
19 events, to leverage outreach and develop action plans.

20 --o0o--

21 MR. BRENNAN: To summarize, the summit proved to
22 be a great tool to receive input for Board actions to
23 further facilitate the diversion of food residuals. As a
24 result of the stakeholder input from the summit we've just
25 summarized and reflecting input from the Special Waste and

1 Market Development Committee, staff has developed the
2 following recommendations to meet as many of the
3 identified needs as practical:

4 Specifically, to direct staff to develop a Board
5 food diversion clearinghouse to fill informational gaps
6 identified at the Summit;

7 To formally adopt the food diversion hierarchy
8 previously described as Board policy and develop a
9 legislative proposal to place the food diversion hierarchy
10 into statute;

11 To direct staff to bring contract concepts back
12 to the Board supporting research and development projects
13 for biodegradable products, food diversion related
14 equipment, and market development;

15 To direct staff to promote assistance and
16 networking tools and resources as they are developed to
17 generally promote food diversion activities and to develop
18 regional food diversion workshops as necessary;

19 And to direct staff to continue to pursue
20 partnerships and working agreements with trade
21 associations, food related regulatory agencies, and other
22 food related organizations to pursue common goals and to
23 leverage outreach efforts and to facilitate parallel
24 relationships at a local level.

25 In conclusion, staff recommends the Board adopt

1 revised Resolution 2003-79.

2 This concludes staff's presentation.

3 We are available for any questions you may have.

4 CHAIRPERSON MOULTON-PATTERSON: Questions, Board
5 members?

6 Ms. Peace.

7 BOARD MEMBER PEACE: Well, I have a question.

8 When I'm at home and I'm making fruit salad, I
9 have all this watermelon rinds and cantaloupe rinds, and
10 honeydew rinds and all this stuff and I'm going "trash,
11 garbage disposal, trash, garbage disposal."

12 Has the Board ever done a comparison as to the
13 environmental impacts of landfilling food waste versus
14 putting it into our water treatment facilities?

15 MR. BRENNAN: When you put it into your water
16 treatment system, it depends on the facility it goes
17 through. Obviously there's energy and water used in
18 transmitting it that way. And of course there's energy
19 requirements and wear and tear on the roads by moving a
20 different direction.

21 However, some water treatment facilities will
22 compost their sludge, which ends up as a compost product.
23 Others take it directly to the landfill. So it varies by
24 area. Of course there are other options too which we
25 would promote, such as on-site composting, backyard

1 composting. And some cases in-vessel technologies for
2 specific businesses might work. But at home it would be
3 for -- something like that it would be on-site use. Or if
4 you had a food collection program, which very few
5 jurisdictions do at this point.

6 BOARD MEMBER PEACE: And so what do you recommend
7 for homeowners, trash, garbage disposal?

8 MR. BRENNAN: Backyard composting is what we'd
9 recommend.

10 BOARD MEMBER PEACE: Well, for those of people
11 who live in an apartment, that might be kind of hard.

12 MR. BRENNAN: If your waste water treatment plant
13 composts the sludge, it probably would -- it wouldn't be a
14 bad thing to put it down the disposal. But that knowledge
15 is not common to homeowners.

16 It would be environmentally safe to have it sent
17 to a landfill rather than, you know, other uses. It's a
18 hard thing to say on a broad basis. It's more of an
19 individual case.

20 For example, earlier the LAX effort was
21 mentioned. They're sending all of their food waste to a
22 waste water treatment plant. Which not only do they
23 compost residuals, but they're getting methane out of the
24 digester that they use. And some other waste water
25 treatment plants also use digesters which recover methane.

1 So it really depends on the individual waste water
2 treatment plant as to what they -- how they operate and
3 what they do with residuals.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.
5 Mr. Medina.

6 VICE CHAIRPERSON MEDINA: Yes, Madam Chair.
7 Before I move this item I just wanted to comment that many
8 years ago when I was going to school in Boston we had to
9 separate our food waste from the regular waste. They had
10 a special cylinder outside where you took all food scraps
11 and all of that and you placed it in this cylinder. And
12 then the truck would come by and then they would cycle
13 that off and then the truck would take it off. And so I
14 assume they were putting it to good use.

15 Anyway, that's -- but that is one example. It's
16 happened over 30 years ago, that the City of Boston was
17 doing this. So I don't if there are any similar programs
18 around, but I found that was certainly worthwhile.

19 And with that, I'd like to move Resolution
20 2003-79, consideration of findings and recommendations for
21 the 2002 California Food Residuals Diversion SUMMIT.

22 BOARD MEMBER PAPARIAN: Second.

23 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
24 motion by Mr. Medina, seconded by Mr. Paparian, to approve
25 Resolution 2003-79 revised.

1 Was there further comment? Did you have a
2 comment, Mr. Jones?

3 BOARD MEMBER JONES: Madam Chair, yeah, I have a
4 couple of comments.

5 I opposed this in Committee for a couple of
6 reasons.

7 Number 1, I think that -- I don't have the
8 benefit of the screen, so I don't know exactly what the 16
9 percent of the -- I don't know what that residential waste
10 stream was regarding how many tons.

11 MR. BRENNAN: Forty-nine percent of 5.6 million
12 tons.

13 BOARD MEMBER JONES: All right. So it's two
14 eight. So you got 2.8 million tons divided into 34
15 million people, that's 6 pounds.

16 I understand how waste was picked up. I'm
17 worried about the hierarchy. I have no problem with
18 supporting this -- San Francisco did one of the best
19 systems around. They did it the right way.

20 When we adopt this policy, it says, "safe
21 disposal" at the very end, that's going to lead our staff
22 to direct people to start doing food waste diversion
23 programs without the background, without the
24 understanding, without the economics, and without the
25 infrastructure. That bothers me.

1 So I think that we need to be thinking about what
2 we do with public health and safety here. When we put
3 environmentally safe disposal at the bottom of a
4 hierarchy, are we saying go do these food waste programs
5 instead of landfilling or disposing? Because that's what
6 I know is going to end up happening. And I have no
7 problem with supporting food waste diversion. But I think
8 it's reckless to let cities or counties have a feeling
9 that this Board looks at the environmentally safe disposal
10 of that part of the waste stream as being the least
11 attractive if they can't afford to put an infrastructure
12 in place. And that's my concern and that why I can't
13 support this.

14 I could support it if that last hierarchy was
15 where there are food waste programs in place or to be
16 developed, we follow that a hierarchy. But, otherwise,
17 you're sending a message out to everybody in the state
18 that the proper disposal of food waste, which is not a
19 common recycling practice, is the last on our rung. I
20 don't agree with that.

21 MR. BRENNAN: It's designed as a thought process
22 to go through when you're managing. If the option's not
23 there, you obviously can't do that.

24 We're trying to get the best use out of a
25 value-added product, you know, probably one of the most

1 value-added materials that we deal with.

2 BOARD MEMBER JONES: Well, I voiced my concern.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
4 motion by Mr. Medina, seconded by Mr. Paparian.

5 Please call the roll.

6 SECRETARY WADDELL: Jones?

7 BOARD MEMBER JONES: No.

8 SECRETARY WADDELL: Medina?

9 VICE CHAIRPERSON MEDINA: Yes.

10 SECRETARY WADDELL: Paparian?

11 BOARD MEMBER PAPARIAN: Aye.

12 SECRETARY WADDELL: Peace?

13 BOARD MEMBER PEACE: Aye.

14 SECRETARY WADDELL: Washington?

15 BOARD MEMBER WASHINGTON: Aye.

16 SECRETARY WADDELL: Moulton-Patterson?

17 CHAIRPERSON MOULTON-PATTERSON: Aye.

18 Okay. We will --

19 DEPUTY DIRECTOR WOHL: Agenda Item 15.

20 CHAIRPERSON MOULTON-PATTERSON: I'm moving on to
21 Agenda Item.

22 Thank you, Ms. Wohl.

23 DEPUTY DIRECTOR WOHL: Consideration of the scope
24 of work and contractor for the evaluation of Conversion
25 Technology Processes and Products Contract.

1 This agreement would provide \$400,000 to the
2 University of California at Riverside, using funding from
3 AB 20770 appropriation.

4 Note, this item has two resolutions: One for the
5 scope of work and one for the contractor. The one for the
6 contractor, 2003-77, was revise just to include the
7 contractor's name.

8 Staff recommends Board approve Option 1 and adopt
9 Resolution 2003-81 and 2003-77 revised.

10 BOARD MEMBER JONES: Madam Chair.

11 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Jones.

12 BOARD MEMBER JONES: I'd like to move adoption of
13 Resolution 2003-81 revised.

14 VICE CHAIRPERSON MEDINA: Second.

15 CHAIRPERSON MOULTON-PATTERSON: We have a motion
16 by Mr. Jones, seconded by Mr. Medina, to approve
17 Resolution 2003-77 revised.

18 Please call the roll.

19 SECRETARY WADDELL: Jones?

20 BOARD MEMBER JONES: Aye.

21 SECRETARY WADDELL: Medina?

22 VICE CHAIRPERSON MEDINA: Aye.

23 SECRETARY WADDELL: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 SECRETARY WADDELL: Peace?

1 BOARD MEMBER PEACE: Aye.

2 SECRETARY WADDELL: Washington?

3 BOARD MEMBER WASHINGTON: Aye.

4 SECRETARY WADDELL: Moulton-Patterson?

5 CHAIRPERSON MOULTON-PATTERSON: Aye.

6 BOARD MEMBER JONES: Madam Chair.

7 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr. Jones.

8 BOARD MEMBER JONES: I would like to move

9 adoption of Resolution 2003-81.

10 VICE CHAIRPERSON MEDINA: Second.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. Substitute

12 the following roll call without exception -- without

13 objection?

14 Okay. Both resolutions passed.

15 Ms. Peace.

16 BOARD MEMBER PEACE: Yes, kind of go back to few

17 steps.

18 I kind of feel like the Board is caught in a

19 Catch 22 when it comes to approving permits where the

20 facility is in violation. And what I would like to

21 request the staff to do is to come back with a discussion

22 of the standing policy that allows the Board to concur in

23 revised permits when these facilities have existed permit

24 violations. And I don't know if that's possible to have

25 that done by March or April.

1 CHAIRPERSON MOULTON-PATTERSON: Haven't we done
2 some of this work and we can --

3 EXECUTIVE DIRECTOR LEARY: I think there's
4 probably some historical presentations we could call upon
5 to provide that. At the same time I know Mark is looking
6 very full. It would be more out of consideration for what
7 I think is to be a very full agenda in March than it would
8 be necessarily a limitation on pulling something together
9 for March.

10 So why don't you -- if you wouldn't mind leaving
11 it soft, we'll take a look at the overall agenda and what
12 we need to provide to do that. But we'll either do it in
13 March or April if you don't -- if that's okay with you.

14 BOARD MEMBER PEACE? Okay. Thank you.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
16 Peace.

17 Item 16.

18 DEPUTY DIRECTOR WOHL: Agenda Item 16, a
19 consideration of the scope of work and contractor for the
20 Conversion Technology Technical and Risk Assessment
21 Assistance Contract. This agreement would provide
22 \$150,000 to OEHHA. It is also funded from AB 2070
23 appropriation.

24 It too has two resolutions. One, for the revised
25 scope of work and one for the approval of OEHHA as a

1 contractor.

2 Staff recommends Board approve Option 1 and adopt
3 Resolutions 2003-82 and 2003-78.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
5 Mr. Washington.

6 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

7 I move adoption of Resolution 2003-78,
8 consideration of a contractor for the Conservation
9 Technology Technical and Risk Assessment Assistance
10 Contract, Fiscal Year 2002-03, AB 2770 appropriation.

11 VICE CHAIRPERSON MEDINA: Second.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
13 motion to approve Resolution 2003-78 and 2003-82 revised.

14 Please call the roll.

15 SECRETARY WADDELL: Jones?

16 BOARD MEMBER JONES: Aye.

17 SECRETARY WADDELL: Medina?

18 VICE CHAIRPERSON MEDINA: Aye.

19 SECRETARY WADDELL: Paparian?

20 BOARD MEMBER PAPARIAN: Aye.

21 SECRETARY WADDELL: Peace?

22 BOARD MEMBER PEACE: Aye.

23 SECRETARY WADDELL: Washington?

24 BOARD MEMBER WASHINGTON: Aye.

25 SECRETARY WADDELL: Moulton-Patterson?

1 CHAIRPERSON MOULTON-PATTERSON: Aye.

2 Now I can call on Mr. Lee.

3 Special Waste.

4 DEPUTY DIRECTOR LEE: Good afternoon, Madam

5 Chair, members of the Board.

6 Before I discuss the one item on the Special
7 Waste Division portion of the agenda, I would like to take
8 this opportunity to address the comments made to staff by
9 Board Member Peace and the Board Chair regarding the
10 implementation of Senate Bill 1346.

11 At the November 2002 Committee meeting staff
12 received direction to bring back information to the Board
13 on existing RAC usage. This information was to be used to
14 estimate potential RAC grant demand.

15 Staff is also requested to consider ideas for
16 implementing and administering the RAC grants, including
17 the use of a simplified reimbursement to local
18 jurisdictions for RAC grant expenditures and consideration
19 of a pilot RAC program, among other things.

20 At the January 30th workshop, staff did present
21 information that was responsive, at least in part, to the
22 direction given.

23 Staff had discussed at the November Committee
24 meeting that detailed information on RAC usage was being
25 prepared pursuant to a contract with the Northern

1 California RAC Center. This contract was proposed to be
2 awarded in January, with results to be available later in
3 the year.

4 Staff also discussed problems in obtaining
5 information from CalTrans about RAC usage, since it is our
6 understanding that no central database with this
7 information exists.

8 Although not discussed at the November meeting,
9 staff has found that RAC contractors are reluctant to
10 divulge statistics on RAC usage for competitive and
11 proprietary reasons.

12 Local jurisdictions are reluctant to predict RAC
13 usage because potential paving projects of any sort are
14 routinely deferred, especially in times of economic
15 uncertainty, replaced by the cheaper expedient of filling
16 potholes or doing temporary patches.

17 Staff had arranged for the management of the
18 Northern and Southern California RAC Centers to speak to
19 these issues and others at the January 30th workshop.

20 All of these issues notwithstanding, staff could
21 have done a better job of highlighting these issues and
22 putting forth the limited data which we do have available
23 and explaining why all of the information requested by the
24 Committee was not forthcoming.

25 Now, I would like to focus on what staff did do

1 at the January workshop to implement the Kuehl bill and
2 what we are proposing to do in the future.

3 Staff did propose to ramp up implementation of
4 the Kuehl bill, spending nominal dollars in Fiscal Year
5 '03-'04 to solicit, demand and advertising the
6 availability of the program.

7 Proposed allocations in subsequent years were 1
8 million, 1.3 million, and 1.6 million respectively.
9 Nominal dollars spent in fiscal year '03, proposed to be
10 spent in Fiscal Year '03-'04, did not mean that no work
11 was going to be done in this area. Staff was proposing to
12 utilize the time to prepare the criteria, notice the
13 availability of the grant, review applications, and
14 prepare grant awards for Board approval, using '04-'05
15 monies.

16 Program staff also explored the feasibility of a
17 simplified reimbursement-type RAC grant program. But
18 there were elements of the proposal that did not pass
19 muster with our legal and administration divisions. We
20 are, however, working cooperatively with these divisions
21 on another proposal to award and administer these grants,
22 which we will discuss at the March 7th workshop, which
23 will demonstrate staff's tempts to work proactively and
24 creatively to develop outside-the-box solutions for
25 addressing the Kuehl bill requirements.

1 We also discussed with our Legal Office the
2 requirement of whether the Board had to expend 16 percent
3 of the market development budget on Kuehl bill
4 considerations, and were advised that the Board has some
5 discretion in this area subject to specific findings.
6 Staff's proposal to ramp up dollar expenditure over
7 several fiscal years is reflective of this fact.

8 Also, again, as mentioned earlier, we did have
9 the RAC center staff available to respond to specific
10 Committee member questions.

11 In conclusion, at the March 7th meeting, we will
12 have additional information on RAC demand to present to
13 the Committee. We will also present a RAC grant proposal,
14 which will include an option for awarding grants in Fiscal
15 Year '03-'04 if that indeed is the direction of the Board.

16 I would note, however, as a final qualifier, that
17 proposed budget allocations for Fiscal Year 2003-4, as
18 discussed at the January 30th workshop, already exceed
19 expenditure authority by approximately \$1.4 million.
20 Additional monies set aside for RAC grants in that fiscal
21 year will necessarily involve cuts elsewhere in other
22 program elements.

23 Are there any additional questions I can answer
24 with regards to that before the March 7th meeting?

25 CHAIRPERSON MOULTON-PATTERSON: And when will

1 this come back to the full Board for approval?

2 DEPUTY DIRECTOR LEE: We'll be going to the
3 Board -- a special workshop on March 7th, we'll be
4 discussing it again at the Committee meeting I believe the
5 following week. And I expect that we will be bringing
6 back at least some update on the developments at those two
7 meetings at the March Board meeting.

8 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
9 Any other questions?

10 Ms. Peace.

11 BOARD MEMBER PEACE: Did anybody on the staff
12 consult with Senator Kuehl to let her know what was going
13 on with her bill, that it was going to be funded, it
14 wasn't going to be funded? In the work that you're doing,
15 did anybody ever get with her?

16 EXECUTIVE DIRECTOR LEARY: I might be able to
17 help with that question.

18 Member --

19 BOARD MEMBER PEACE: Maybe explain to her so she
20 wouldn't be so angry about --

21 EXECUTIVE DIRECTOR LEARY: No, I was, like you
22 were, taken aback a little bit by that letter. I was -- I
23 guess -- we actually did have some input to that
24 legislation as it was being drafted. And some of the
25 formulas in that legislation reflected some of the

1 observations Board staff have had in regards to RAC grants
2 over the years. So it -- the passage of the bill was no
3 surprise to us. The Board is very passionate about
4 implementing RAC grants. And I think it was maybe a
5 little bit misinterpreted by Senator Kuehl in the sense
6 that our efforts towards the five-year plan are very
7 preliminary. And ultimately we didn't want to get ahead
8 of the Committee, and ultimately the Board, in interacting
9 with Senator Kuehl about implementation of her bill until
10 the Board decision-making had at least started to go
11 final.

12 So I think -- it's not that we were resistant to
13 approach Senator Kuehl on the implementation of the bill.
14 We think there's a lot of opportunity there and we --
15 sounds like, given the comments this morning, the Board
16 feels there's a lot of opportunity there. We just didn't
17 want to interact with her prior to the Board's
18 decision-making process.

19 So I think we will now reach out to Senator Kuehl
20 in response to her letter. We do need to draft her a
21 response for the members' signature, I guess -- I'm
22 thinking out loud here because there was a letter
23 addressed to each and every member. So I'm not quite sure
24 how we help you with your responses on that. You
25 obviously have your ex parte letters to write. But we

1 probably ought to write a response on behalf of the Board.

2 CHAIRPERSON MOULTON-PATTERSON: We will -- we are
3 working on that right now.

4 EXECUTIVE DIRECTOR LEARY: Okay. So I think --

5 VICE CHAIRPERSON MEDINA: I do think, however,
6 that we need a direct communication from this director on
7 behalf of the Waste Board, and then the rest of us can
8 follow up with our individual letters. But I do think
9 that we need a official response --

10 EXECUTIVE DIRECTOR LEARY: I will do that.

11 VICE CHAIRPERSON MEDINA: -- also from the Chair
12 in regard to this particular matter.

13 CHAIRPERSON MOULTON-PATTERSON: Yeah, this is a
14 bill that was passed and signed by the Governor, right?

15 EXECUTIVE DIRECTOR LEARY: That's right.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
17 Were you finished, Ms. Peace?

18 BOARD MEMBER PEACE: Yes.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
20 Paparian.

21 BOARD MEMBER PAPARIAN: Yeah, I -- Jim, I
22 appreciate your efforts to kind of get the program back on
23 track in terms of responsiveness to some of the Board
24 questions. I haven't made a secret that I've been one of
25 the ones raising a lot of these questions and concerns.

1 In terms of what happens at the next meeting,
2 given, you know, what we've talked about, my suggestion
3 would be -- you've got a proposal that came out of the
4 last meeting -- not a proposal -- you've got a list that
5 has more projects to be funded than there's available
6 funding. My suggestion would be to bring that back to the
7 Committee as is, and let the Committee talk about where
8 they want to make cuts and where they want to make
9 additions, if any. And obviously the Kuehl area would be
10 one where the Committee I think coming in, from what
11 you're hearing, is going to have some sympathy to adding
12 quite a bit of money. But my suggestion would be, leave
13 it to the Committee to make those tough recommendations
14 about what gets cut if we do fund something additional and
15 what gets cut anyway given the state of the spreadsheet as
16 we left it in the Committee.

17 DEPUTY DIRECTOR LEE: I understand that is indeed
18 our intent.

19 CHAIRPERSON MOULTON-PATTERSON: Any other
20 comments?

21 Okay. Thank you.

22 BOARD MEMBER PAPARIAN: I had a question on
23 another tire -- are you going to go on to other tire
24 items?

25 DEPUTY DIRECTOR LEE: We only have one. It's

1 Item Number 20. The others were already --

2 BOARD MEMBER PAPARIAN: I had a question to
3 follow up on something that came up in the Committee, if
4 we're done with the --

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Before we
6 go to Item 20, you want to ask that?

7 BOARD MEMBER PAPARIAN: Yeah. Jim, you'd
8 mentioned that one of the product commercialization grant
9 recipients is unable to take their grant for various
10 reasons and that we're looking at the next one in line to
11 provide a grant to?

12 DEPUTY DIRECTOR LEE: That is correct.

13 BOARD MEMBER PAPARIAN: Would that come to the
14 Board next month for approval? How would that -- what's
15 your understanding of how that would work?

16 DEPUTY DIRECTOR LEE: I believe that, again,
17 the -- when the commercialization grants were approved,
18 there was some contingency projects that if, you know, one
19 dropped out, you know, the next ones in line would moved
20 into place.

21 That's my understanding. But, again, I --

22 BOARD MEMBER PAPARIAN: Is that the staff's
23 intention?

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 Good afternoon. Martha Gildart with the Special

1 Waste Division.

2 That was the action the Board took back in
3 December when they approved the ranking of the scored
4 applicants. They were split, if you remember, into three
5 different categories: Passing applications for which
6 funds were available; passing applications for which there
7 were no funds available, but that they might be considered
8 during the reallocation of any unexpended tire funds when
9 we come back to you in the spring.

10 What we are doing is taking that list that has
11 already been approved by the Board and automatically, as
12 we have done in the past, going into that list starting in
13 rank order.

14 BOARD MEMBER PAPARIAN: Then that comes back to
15 the Board for approval before the grant goes out or not?

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 No.

18 BOARD MEMBER PAPARIAN: Because I think -- I
19 think that was the original intent of staff going into
20 that meeting, was the process you described. I think we
21 made a change to the resolution to have it come back to
22 the Board. The resolution, as I read it, it lists the
23 companies -- the first set of companies that got the
24 money, and then it says, "Be it further resolved, should
25 additional funds become available during reallocation, the

1 Board may approve the award of the Tire Product
2 Commercialization and Applied Technologies Grant to the
3 next highest scoring applicants until any remaining
4 reallocation funds are exhausted."

5 But the "may" -- I believe, if I recall, the
6 "may" was switched from a "shall" that the staff had
7 originally proposed. So I think maybe we might have to
8 have the legal staff look at this, but my recollection is
9 that -- and I think it's backed up by what was actually
10 passed by the Board, my recollection is this needs to come
11 back to the Board for approval before the grant goes out
12 to the next recipient.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
14 Paparian.

15 BOARD MEMBER PAPARIAN: So could we have -- I
16 don't know what the process -- what's the process here for
17 resolving this?

18 DEPUTY DIRECTOR LEE: Well, again, I guess we'll
19 ask, you know, Legal for an opinion in that regard. I can
20 understand the qualifying language that you just noted
21 from the Board resolution. It looks like we need a little
22 time to kind of take a look at that and then get back to
23 you on that, and come back before the Board, if necessary,
24 to get the approval for the Greenman Technology Grant.

25 BOARD MEMBER PAPARIAN: I think it's important --

1 I don't have -- just so you know, I don't have a problem
2 with the next applicant getting the money. But I think
3 that given the fact that we would be giving away a quarter
4 million dollars of state funds in a grant, we have to make
5 real sure we're doing this right. And also especially
6 given that there were some other applicants -- we heard
7 from one -- who have raised concerns about the process.
8 And so I want to make sure we do the process right.

9 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
10 Mr. Paparian.

11 Okay. We'll go on to Item 20.

12 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

13 Item 20 is consideration of the adoption of a
14 Negative Declaration and the issuance of a major waste
15 tire facility permit revision for Golden By-products,
16 Inc., Merced County.

17 Two separate Board actions are required on this
18 item. The first is to consider staff recommendations for
19 adoption of Resolution 2003-85 regarding the Negative
20 Declaration for the permit revision.

21 The second action is to consider staff
22 recommendation on Resolution 2003-87, to approve the
23 revised permit itself.

24 This item was considered by the Special Waste and
25 Market Development Committee due to an inadvertent

1 oversight: A copy of Resolution 2003-85 concerning the
2 Negative Declaration was not included in the agenda
3 packets for the Committee members.

4 Therefore, the decision was made to defer a vote
5 on the item until the full Board meeting today.

6 If necessary, you know, staff is prepared to
7 reprise the full presentation made at the Committee
8 meeting. If you would like a more abridged version, my
9 staff and I are available to answer any questions.
10 Otherwise, staff recommends approval of Resolution 2003-85
11 and Resolution 2003-87.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 Mr. Washington.

14 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

15 Just before I move this item I want to thank Jana
16 Nairn -- is that correct? They did an excellent job. And
17 this is another business, Madam Chair, that has done a
18 fabulous job of providing information. This company holds
19 public hearings all the time with their facilities. They
20 offer tours to elected officials and special groups. And
21 I've got a couple calls from my state elected officials in
22 the area that they have been on tour to their facilities.
23 And a couple of community folks who have called the
24 elected officials letting them know that they support this
25 project.

1 They also hold open house, which I think is very
2 encouraging to make sure that the community is aware.

3 So I wanted to thank them for doing such an
4 excellent job. And they just recently had an open house
5 in November, which they're doing all the time.

6 And with that, Madam Chair, I'd like to move
7 adoption of Resolution 2003-85, consideration of the
8 adoption of a Negative Declaration for the Golden
9 By-products, Inc., Major Waste Tire Facility Permit
10 revision as well as Resolution 2003-87.

11 BOARD MEMBER JONES: Second.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 We have a motion by Mr. Washington, seconded by
14 Mr. Jones, to approve Resolution 2003-85 and Resolution
15 2003-87.

16 Please call the roll.

17 SECRETARY WADDELL: Jones?

18 BOARD MEMBER JONES: Aye.

19 SECRETARY WADDELL: Medina?

20 VICE CHAIRPERSON MEDINA: Aye.

21 SECRETARY WADDELL: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 SECRETARY WADDELL: Peace?

24 BOARD MEMBER PEACE: Aye.

25 SECRETARY WADDELL: Washington?

1 BOARD MEMBER WASHINGTON: Aye.

2 SECRETARY WADDELL: Moulton-Patterson?

3 CHAIRPERSON MOULTON-PATTERSON: Aye.

4 Okay. That brings us right along to the
5 Executive, Administrative and Policy part of our agenda.

6 The Committee meeting had to be cancelled this month.

7 Mr. Washington, did you have anything specific to
8 say on your Committee?

9 BOARD MEMBER WASHINGTON: No, not very much,
10 Madam Chair. I'll turn it over to our deputy director for
11 the presentations.

12 But I do want to announce my new Committee
13 analyst, which is Yvette DiCarlo, who just made a
14 presentation before the committee. And I wanted to
15 welcome her to the Washington team. We look forward to
16 working with her. We want to make sure everyone -- stand
17 up, let them see you again.

18 (Applause.)

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Washington.

21 Okay. Ms. Jordan.

22 (Thereupon an overhead presentation was
23 Presented as follows.)

24 DEPUTY DIRECTOR WOHL: Actually I'll be
25 presenting this item.

1 CHAIRPERSON MOULTON-PATTERSON: Oh, okay.

2 DEPUTY DIRECTOR WOHL: Discuss --

3 EXECUTIVE DIRECTOR LEARY: You can see, Madam
4 Chair, members, we're very well rehearsed on these items.

5 And I just want to do a brief intro for Agenda
6 Items 22 and 23, because this is follow on of the Chair's
7 request it made back in December, to report back to the
8 Board on our implementation of the strategic plan.

9 And for the new members -- or the newest member,
10 I guess, who wasn't part of our January discussion, just a
11 quick discussion or context of how this process works.

12 The Board adopted the strategic plan in November
13 of 2001, in which the plan has seven major goals.
14 Pursuant to the Chair's direction back in December we are
15 going through a process by which we are examining each of
16 those goals in successive months to report to the Board
17 first generally about the kind of activities are ongoing
18 within the Board currently that align strongly with those
19 seven goals; and, secondly, to propose at least some ideas
20 for some feedback from the Board as to which activities
21 for the future they would like us to explore further.

22 And then ultimately bring back, in detail, with
23 resources associated with them, for some real decision
24 making between the Board members, our stakeholders, and
25 ultimately our staff to decide what we want to change from

1 what we're doing now. In this era of lessened resources
2 and budget shortfalls, we have to be fairly careful and I
3 think fairly precise about how we allocate our resources
4 for specific activities into the future.

5 Today's goals I think are particularly exciting
6 ones. Goal number -- I can't remember the number -- 2, I
7 think -- I couldn't remember the number -- on sustainable
8 market development I think is very much aligned with our
9 future and offers the greatest opportunity for expansion
10 in new activities. Given many of the discussions that
11 occurred earlier today, Goal 4 having to do with
12 enforcement, obviously is -- has always been important,
13 but maybe ever so more important in the Board's inspection
14 and enforcement activities for the future.

15 So Patty Wohl from the Market Development Section
16 will present Goal Number 2 and then Scott Walker will
17 present Goal Number 4. And I know it's late in the day
18 and this isn't the most stimulating stuff. But at the
19 same time this is our future, so I really look forward to
20 your feedback.

21 Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 DEPUTY DIRECTOR WOHL: Okay. With that, I'll
24 start the presentation on Goal Number 2.

25 --o0o--

1 DEPUTY DIRECTOR WOHL: And just to refresh
2 everyone's memory, Goal 2 is: "Assist in the creation and
3 expansion of sustainable markets to support diversion
4 efforts and ensure that diverted materials return to the
5 economic mainstream."

6 As this goal indicates, the Board is aware of the
7 importance of market development activities in ensuring
8 that we continue to keep materials out of the landfills.
9 Without markets, we would just be warehousing materials
10 above ground.

11 --o0o--

12 DEPUTY DIRECTOR WOHL: Today's presentation will
13 cover the waste stream profile, basically a history of
14 what the waste stream looks like now and how in the past
15 we've attempted to identify areas to focus on. It will
16 include the benefits of market development. It will
17 discuss the importance of developing markets for recycled
18 materials, mostly because it generates greater economic
19 activity than simply disposing.

20 And we'll talk about future exploration. We've
21 tried to pull out some key areas to focus on in the
22 future, and we'll be looking for your feedback.

23 --o0o--

24 DEPUTY DIRECTOR WOHL: You've probably seen this
25 chart before. It's dated and derived from a waste

1 characterization study done in 1998. We're actually in
2 the process of advertising for a current waste
3 characterization study, so we'll be able to track how
4 that's changed and how our market Development
5 activities -- and whether they've been successful.

6 Clearly by this chart you can see that there are
7 specific materials that make up a larger percentage of the
8 waste stream.

9 --o0o--

10 DEPUTY DIRECTOR WOHL: In the past we've actually
11 targeted activities based on these materials. In
12 particular, organics which made up 35 to 40 percent of the
13 waste stream; construction and demolition, which consisted
14 of 12 percent; plastics, which is 9 percent of the waste
15 stream; and paper, which is 30 percent of the waste
16 stream. Examples of these activities included landscape
17 management outreach grants, deconstruction grants; in
18 addition, the minimum content programs such as the rigid
19 plastic packaging, trash bags and newsprint were specific
20 to materials.

21 --o0o--

22 DEPUTY DIRECTOR WOHL: In addition, we targeted
23 by sectors. It was identified that the waste stream was
24 40 percent residential and 60 percent nonresidential. The
25 nonresidential being commercial, industry, and

1 institution.

2 Some of the programs that target businesses
3 include the Loan and Zone Program, WRAP, and CalMax, as
4 well as the minimum content programs mentioned earlier.

5 --o0o--

6 DEPUTY DIRECTOR WOHL: Some of the benefits of
7 recycling and reuse in California. According to two
8 recent studies that were supported by the Board, UC
9 Berkeley and the National Recycling Coalition, the added
10 benefit for every 1,000 tons diverted as compared to
11 disposal. What this equates to is 2.15 in the jobs,
12 \$101,000 in wages, salaries and benefits, and \$275,000 in
13 sales in new products.

14 What this is saying is that diversion has a
15 greater overall impact on California's economy than
16 disposal. Diversion results in almost twice as many jobs
17 and almost twice the salaries, wages, and benefits per ton
18 of material compared to disposal.

19 Diversion adds economic value through processing
20 and manufacturing of materials that would otherwise simply
21 have been buried.

22 --o0o--

23 DEPUTY DIRECTOR WOHL: Additional benefits. The
24 recycling infrastructure employs 85,000 Californians;
25 generates \$4 billion in wages, salaries, and benefits;

1 includes 5300 businesses with sales of over \$10 billion;
2 conserves resources and energy; and reduces pollution.

3 --o0o--

4 DEPUTY DIRECTOR WOHL: What we're currently
5 doing. You'll see in your Board item on Attachment 1
6 there's a list and a breakdown of all the activities that
7 we're doing, separated by objectives. So can you see
8 which ones relate to which objectives.

9 But basically there are 135 unique activities
10 that are listed in that attachment. And some of the key
11 areas are mentioned here on this slide.

12 --o0o--

13 DEPUTY DIRECTOR WOHL: We'd like to focus our
14 attention on the future. We've separated this item into
15 four categories: Expanding markets, marketing the
16 benefits of recycling, leveraging, and legislation. And
17 we've tried to place our activities under these headings.

18 --o0o--

19 DEPUTY DIRECTOR WOHL: So starting with the first
20 one, expanding markets. This is where we feel like
21 there's promise if we infused additional effort that we
22 could grow markets for recycled product. Under "buy
23 recycled" we're suggesting that the staff bring an item to
24 the Board to look at increasing or refocusing efforts with
25 State agencies; discuss whether the Board should expand

1 beyond state agencies into the private sector; or should
2 we pursue the environmentally preferable purchasing EPP
3 mantra in lieu of focusing only on recycled content.

4 We are proposing to develop model C&D ordinances
5 as directed in SB 1374 to stimulate local markets. We're
6 recommending bringing an item back to the Board on
7 economic gardening. This is where we attempt to grow
8 businesses, by providing them with additional data,
9 whether that be data on feedstocks, customers, et cetera,
10 to help them try and grow that business so that they can
11 expand their markets.

12 This item will discuss the merits of this
13 recycling business assistance tool and whether it should
14 become a permanent part of the zone services.

15 Also bring an item back to the Board on how to
16 develop local and regional markets to lessen dependence
17 on foreign export.

18 --o0o--

19 DEPUTY DIRECTOR WOHL: Additional ideas for
20 expanding markets. Bring an item to the Board addressing
21 options for expanding organics use in agriculture and
22 landscape industry.

23 Prepare a contractor concept to determine impacts
24 of increased contamination of recyclables resulting from
25 the trend in commingled collection, especially in the area

1 of paper.

2 Present the results of the resource materials kit
3 to promote sustainable practice in native American
4 outreach.

5 And this last one we shifted under expanding
6 markets and modified it to read, "Encourage jurisdictions
7 to establish current base years to determine diversion
8 opportunities." In your item this recommendation was
9 originally proposed under legislation. And instead of
10 "encourage" it said "pursue."

11 --oOo--

12 DEPUTY DIRECTOR WOHL: Under the heading of
13 marketing benefits. As mentioned earlier in the studies,
14 there are great advantages to diversion versus disposal.
15 In these tight budgetary times, we need to highlight the
16 benefits of recycling. A marketing strategy is to bring
17 an item to the Board on a plan to market the results of
18 these two studies.

19 Also develop and market case studies, including
20 projects such as the motion picture industry, the East End
21 projects, an others.

22 And, lastly, provide Board members and interested
23 parties with product price comparisons to make the case
24 that buying recycled is part of the solution to the
25 state's escalating budget crisis. An inspiration from

1 Board Member Jones.

2 --o0o--

3 DEPUTY DIRECTOR WOHL: Under leveraging this
4 slide discusses multiple ways we can leverage our programs
5 to achieve greater results.

6 They include the RMDZ loan fund sustainability
7 effort, which includes bringing several items back on the
8 loan sale, the loan guarantee program, and the loan
9 eligibility criteria.

10 We propose bringing an item discussing the
11 environmentally preferable purchasing task force, becoming
12 signatories to this effort, and developing the EPP
13 strategy called for in AB 498. Reporting on the pilot to
14 obtain outside funding sources in the area of organics.

15 We will be bringing an item back analyzing the
16 results of these efforts and the feasibility of moving
17 this program throughout the Board. We recommend
18 developing and leveraging case studies such as the North
19 Natomas Landscape Outreach Program and the Lorin Grisset
20 School, as well as others.

21 And, lastly, we encourage local jurisdictions to
22 include procurement policies and education efforts in 1066
23 extensions.

24 --o0o--

25 DEPUTY DIRECTOR WOHL: Under legislation, we're

1 suggesting eliminating the RMD sunset language so that the
2 loan program can continue beyond 2006; establishing grant
3 authority for market development activities and for local
4 jurisdictions. You'll note that in the written
5 recommendation for local jurisdictions was to actually
6 establish a grant program. Due to the tight budgetary
7 times, we've thought that a wiser decision would be to
8 look for grant authority. And then if additional funds
9 became available later, we could pursue whether that was
10 an option.

11 State agency buy-recycled cleanup. We've talked
12 about that for many years and have been successful in
13 getting that through.

14 And, lastly, plastics legislation in relationship
15 to the recommendations that will be coming out of the
16 white paper.

17 --o0o--

18 DEPUTY DIRECTOR WOHL: So with that, that
19 concludes my report.

20 I'm interested in any feedback or comments you
21 might have.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
23 Wohl. And I really appreciate you all reporting back on
24 our strategic plan to make sure that we're on target.

25 And I don't see anyone from PIO here. They were

1 here earlier. But, you know, I think we wanted to remind
2 them, and we'll probably talk more about this at our
3 communications workshop, but that everywhere we go and in
4 any speeches we make I think it's important that we let
5 the public know that diversion and recycling are good for
6 the economy. I think that's really, really important.
7 And so I appreciate this.

8 Any other comments from Board members?

9 Mr. Jones, and then Mr. Medina.

10 BOARD MEMBER JONES: Thanks, Madam Chair.

11 Just a suggestion on expanding markets. Before
12 you prepare a contract concept on contamination for single
13 stream, our Committee is going to have a single-stream
14 workshop. We've talked to all the Board members about it.
15 Because the single stream probably has -- is the biggest
16 stride in getting more diversion that we've seen in a long
17 time. Cities are not doing their job helping to enforce
18 that.

19 And as a result of our workshop, we're going to
20 have a much better idea. I think it's schedule for April,
21 Pat?

22 DEPUTY DIRECTOR SCHIAVO: April.

23 BOARD MEMBER JONES: Where we've actually got
24 manufacturers of the machinery, the bins, people that have
25 put it together, local government, operators, citizens.

1 The real problem with single stream is citizens, not
2 understanding that you don't put chicken bones -- it's
3 just like when we had three bins. You keep chicken bones
4 out of the paper bin. You don't throw them in, or shoe
5 laces or painted visqueen or the rest of the stuff that
6 some recycling coordinator heard about at a CRRA
7 conference.

8 So, we're going to have an in-depth discussion
9 about that. And I encourage everybody to be there. And I
10 absolutely encourage that before you do a contract
11 concept, listen to the professionals that deal with it
12 every day, because the system works.

13 When a Joe Garbarino was impressed, you know
14 you're doing something right.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Mr. Medina.

17 VICE CHAIRPERSON MEDINA: Yes, I just wanted to
18 say that markets are very critical to the Board's
19 strategic plan. In fact at all of the stakeholders'
20 meetings the resounding call was markets, markets,
21 markets. And since we have embraced this concept, we as a
22 Board need to be prepared to adequately staff and provide
23 the necessary resources for the market development
24 activities that are currently going on as well as what is
25 being proposed.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
2 Medina.

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Yeah, just a -- I know
5 we're looking at the five-year tire plan. We've been
6 looking at some things involving the oil program. But I
7 think it's especially important that the oil and the tire
8 areas not be forgotten in this work.

9 We heard, for example, some very exciting news
10 from the tire manufacturers that they do have recycled
11 content in a number of their product lines, some more than
12 others.

13 That just opens up the opportunity for us to
14 assure state purchases of recycled content tires and
15 promote the use of recycled content tires if we can get
16 the information about which ones contains those. That's
17 just one example. I just wanted to make sure that, as we
18 go forward in talking about all these good things, that we
19 not lose site of the sister divisions here at the waste
20 board.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 We'll go on to Item 23.

23 Mr. Walker.

24 Jim, would you like a break?

25 Okay. We'll take a break, a short one.

1 (Thereupon a recess was taken.)

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
3 the meeting back to order please.

4 We'll start at Mr. Washington's end.

5 Any ex partes?

6 BOARD MEMBER WASHINGTON: I have none.

7 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
8 Paparian.

9 BOARD MEMBER PAPARIAN: I don't know if there's
10 anybody left in the room that it's possible to ex parte.
11 No, I don't have any.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. I have
13 none.

14 Ms. Peace.

15 BOARD MEMBER PEACE: No.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. I had a
17 request from Mr. Schiavo to go to Item 68 so some staff
18 can go home. Is that right?

19 DEPUTY DIRECTOR SCHIAVO: Yes.

20 CHAIRPERSON MOULTON-PATTERSON: So we'll do that.
21 And then we'll come back and have our last item, Number
22 23, back on the strategic plan.

23 DEPUTY DIRECTOR SCHIAVO: Okay. Pat Schiavo with
24 the Diversion, Planning and Local Assistance Division.

25 And Item 68 is consideration of a contractor for

1 contract to update statewide characterization of disposal
2 waste, including rigid plastic packaging containers and
3 used oil containers for fiscal year 2002-2003, Contract
4 Concept Number 18.

5 This was unanimously approved in our Committee.

6 And Tom Rudy will make the presentation and.

7 BOARD MEMBER WASHINGTON: Do we need a
8 presentation -- Madam Chair?

9 CHAIRPERSON MOULTON-PATTERSON: Yes.

10 BOARD MEMBER WASHINGTON: I'll move this item
11 if --

12 MR. RUDY: This is going to be real quick because
13 it turns out my slide presentation didn't make it today.

14 DEPUTY DIRECTOR SCHIAVO: Well, he's just going
15 to go ahead and move the presentation. So that's it, Tom.

16 BOARD MEMBER WASHINGTON: Madam Chair?

17 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr.
18 Washington.

19 BOARD MEMBER WASHINGTON: I'd like to move
20 adoption of Resolution 2003-136, the consideration of
21 contractor for the contract to update statewide
22 characterization of disposed waste including rigid plastic
23 packaging containers and used oil containers, Fiscal Year
24 2002-2003, Contract Concept 18 revised.

25 VICE CHAIRPERSON MEDINA: Second.

1 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
2 motion by Mr. Washington, seconded by Mr. Medina, to
3 approve Resolution 2003-136 revised.

4 Please call the roll.

5 SECRETARY WADDELL: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY WADDELL: Medina?

8 VICE CHAIRPERSON MEDINA: Aye.

9 SECRETARY WADDELL: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 SECRETARY WADDELL: Peace?

12 BOARD MEMBER PEACE: Well, I would have liked to
13 have seen this contract go to a California-based company.
14 But since that's not an option in this case, aye.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

16 SECRETARY WADDELL: Washington?

17 BOARD MEMBER WASHINGTON: Aye.

18 SECRETARY WADDELL: Moulton-Patterson?

19 CHAIRPERSON MOULTON-PATTERSON: Aye.

20 Did you want to speak?

21 And we do appreciate you have your report.

22 MR. RUDY: I just wanted to tell Ms. Peace that
23 actually three -- one of the partners, R. W. Beck, is
24 California-based and two of the subcontractors are
25 California-based. So we are spreading some of the money

1 here at home.

2 BOARD MEMBER PEACE: Okay. Thank you. That's
3 good to know.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you so
5 much.

6 Okay. Back to item 23.

7 And I'll -- Mr. Walker, you'll be presenting
8 that?

9 ACTING DEPUTY DIRECTOR WALKER: Scott Walker,
10 Permitting and Enforcement Division.

11 (Thereupon an overhead presentation was
12 Presented as follows.)

13 ACTING DEPUTY DIRECTOR WALKER: You know, we open
14 up the Board meeting and we're closing the Board meeting.
15 I don't know, this might be a pattern.

16 CHAIRPERSON MOULTON-PATTERSON: You've had a busy
17 day.

18 ACTING DEPUTY DIRECTOR WALKER: Yes.

19 I'll try to make this brief.

20 This item provides for discussion and recommends
21 some general direction on Goal 4 of the Board's 2001
22 strategic plan. And I'm going to run through pretty
23 quickly.

24 And I wanted to point out that the Permitting and
25 Enforcement Committee conducted a workshop on Goal 4 in

1 January, and this presentation follows it to a certain
2 extent, but updates it based on the results of the
3 workshop.

4 I will focus on the Board's Permitting and
5 Enforcement Division because Goal 4 is the core of what
6 the division is.

7 --o0o--

8 ACTING DEPUTY DIRECTOR WALKER: Aspects of Goal 4
9 are also directly applicable to the Special Waste Division
10 and will be discussed in future updates of the Board's
11 five-year tire plan.

12 I'd also want to point out that other programs
13 other than in Permitting and Enforcement Division --
14 entirely within Permitting and Enforcement Division also
15 directly support Goal 4, such as the landfill study, which
16 is primarily the Policy Analysis Office running that. And
17 also the operator's certification in California MOLO
18 Programs, which Darryl Petker of the Office of
19 Organizational Effectiveness does a lot of that work.

20 I'd also want to note that there are other
21 strategic plan goals that directly apply to the P&E
22 division. For example, Goal 6, which is promoting
23 environmental justice, will be discussed next month. And
24 the division is currently involved in implementing Goal 6
25 with regard to some initiatives in enhancing public

1 participation. We had a workshop on public participation
2 at the February Committee meeting, and there was some
3 direction for staff to do some follow-up activities.

4 Goal 4 is relative straightforward: Manage and
5 mitigate the impacts of solid waste on public health and
6 safety and the environment, and promote integrated and
7 consistent permitting, inspection, and enforcement
8 efforts.

9 --o0o--

10 ACTING DEPUTY DIRECTOR WALKER: I'm not going to
11 talk too much about strategic plan review process, but
12 just to note that Rubia Packard has explained this to the
13 Board quite a bit. It was a very long process and it was
14 adopted in November. And we're in the process of
15 implementation updates with this item.

16 --o0o--

17 ACTING DEPUTY DIRECTOR WALKER: Current work of
18 the Permitting and Enforcement Division is -- it really is
19 aligned quite closely to Goal 4, and for the most part
20 directly mandated by statute and regulations.

21 To meet and sustain AB 939 diversion goals
22 California has had to significantly expand and upgrade
23 infrastructure of solid waste transfer, storage,
24 processing, recycling, and disposal facilities. These
25 facilities in and of themselves can be significant threats

1 to the environment if operated poorly and not properly
2 controlled. And this also -- it basically impairs our 939
3 goals if not operating properly.

4 We also continue to be faced with the need to
5 clean up and enforce illegal sites in the legacy of poor
6 practices of solid waste disposal and by -- you know, the
7 Crippen site is a real classic example of what we -- we
8 get faced Crippen site situations from time to time.

9 The bulk of P&E division work and responsibility
10 encompasses environmental control and regulation of all
11 these facilities and sites. And this work is primarily
12 done directly through extensive involvement in partnership
13 with local enforcement agencies.

14 Specifically we spend much of our resources
15 directly involved in the processing of permits and other
16 facility-related actions. Regulation development and
17 implementation continues to be a major part of our current
18 work. As played out by the C&D and organics regulation
19 initiatives, it is extremely difficult to achieve
20 consensus on many of these reg packages. We have made
21 some good progress. Over the past four months or so we've
22 had four big reg packages adopted. But, you know, we are
23 faced with two phases on the C&D regs, and that is a
24 tremendous burden for us right now and the Board.

25 So the resource demands on these reg package will

1 continue to overwhelm the division. And it also shifts
2 into the effort when reg packages are adopted to
3 implementation training. And there's always a kind of a
4 rough initial period where you're getting these
5 regulations implemented that would really take a lot of
6 resources for us to do right.

7 LEA training assistance and outreach in addition
8 to our LEA certification and evaluation are also major
9 commitments of our current workload. And we also are
10 responsible as the enforcement agency for several
11 jurisdictions that do not have an LEA.

12 And, finally, our current workload includes a
13 major component on our cleanup programs, the AB 2136 and
14 Farm and Ranch, and also the related Closed, Illegal, and
15 Abandoned Site Program.

16 I'd like to also remind the Committee that the
17 P&E Division was the primary focus of the state audit
18 report completed in late 2000. We have had a heavy
19 emphasis over the past two years on that report in the
20 review of programs and the implementation of follow-up
21 corrective actions.

22 --o0o--

23 ACTING DEPUTY DIRECTOR WALKER: Right now I'd
24 just like to just run through some potential opportunities
25 that internally we like to bring forward to the Board.

1 But, you know, just to continue to point out in the
2 foreseeable future our resources will continue to be
3 concentrated on the day-to-day mandated activities that I
4 mentioned before. And then further constrained by the
5 ongoing budget crisis.

6 In spite of these challenges, you know, there are
7 many opportunities in areas that we would like to see
8 getting into the future. And to a certain extent we're
9 working on these now as much as we can.

10 Running through these, I'll give you a snapshot.
11 One of the of main areas of opportunity is to really
12 increase the role of LEA's in their responsibility also in
13 the day-to-day site-specific regulation, so that we can
14 concentrate more on the big picture. And, you know, one
15 of the aspects here is in order to accomplish this there's
16 a continued need to work on the appropriate balance
17 between flexibility of LEA's to make local independent
18 decisions versus the state's responsibility in making sure
19 those decisions meet with the state's requirements and
20 interests. This balance requires substantial effort in
21 achieving this balance, and it's something we have to
22 continually work on.

23 This directly ties in with the first Permitting
24 and Enforcement Committee workshop in -- I believe it was
25 in August on improving our partnership with LEA's.

1 Second area is synergistic with the first. And
2 it's essentially to shift more into a focus on technical
3 expertise, research, training, emerging issues, and
4 innovative regulatory approaches. Areas like solid waste
5 technologies, bioreactor landfills, other aspects.
6 Rapidly emerging issues, E-waste, radioactive waste,
7 bio-security, Newcastle Disease issues, organics issues
8 cease, some of the -- Sudden Oak Death, persistent --
9 pesticides like chlopyralid and sewage sludge.

10 And then the next is to -- opportunity in this
11 area is to really improve on our regulatory approaches and
12 traditional command and controlled regulation. We really
13 need to enhance our training and certification programs
14 and work on that, such as our current operator
15 certification program and California-specific Manager of
16 Landfill Operations, or MOLO, program. This is one area
17 that we'd like to work more on. And also in partnership
18 with the Solid Waste Association of North America.

19 And some of the other areas to look at are
20 environmental management systems and also best
21 management -- the concept of best management practices.

22 And then some of the other areas to focus on
23 include risk assessment and health impacts of solid waste
24 facilities and sites, follow-up to the Board's landfill
25 study, solid waste aspects of climate change and global

1 warming, and then also assistance with respect to the to
2 the California-Mexico border zone.

3 Third area is better data tracking and electronic
4 Internet tools. This is the third area of opportunity
5 that we've, you know, put together.

6 We need to take more advantage of advances in
7 technology to better assimilate data and display and
8 communicate information. Electronically filing of
9 inspection reports and other documentation. Some on-line
10 training in teleconferencing approaches that we'd like to
11 get more into.

12 The next area is to increase cross-media or
13 cross-agency efforts and focus. And we're in a pretty
14 unique area here that we could really do a lot more.

15 The fifth area is to take on some of these
16 nontraditional solid waste environmental problems. And
17 examples include illegal dumping and also the stormwater
18 TMDL trash area in some of the urban areas of southern
19 California. And these are areas where local entities have
20 really been pleading for assistance from the state on that
21 we could see doing more with.

22 And then the sixth and final area of opportunity
23 where we've categorized is to look more at developing
24 appropriate performance measures. Basically how do we
25 show that our work meets Goal 4 and does protect the

1 environment? What are the appropriate performance
2 measures.

3 The Board successfully used certain measures such
4 as facilities on the inventory of -- for landfill gas
5 violations, which I mentioned before on a previous item
6 where we've measured our performance.

7 But we really have not evaluated overall what
8 additional measures that could be used

9 There's also concern from LEA's that there's too
10 much focus on measuring environmental performance based on
11 enforcement order issues, fines, et cetera, not enough
12 recognition of other efforts that they do to achieve
13 compliance. And this is an area that also ties in
14 directly with CalEPA's environmental protection indicators
15 project, or the EPIC project, where they're looking at
16 those measures.

17 --o0o--

18 ACTING DEPUTY DIRECTOR WALKER: And to concluded,
19 I'd like to recommend some general direction on Goal 4 of
20 the Board's strategic plan. And the first is to continue
21 to implement in our current work areas. And the second is
22 to proceed with a current focus on the LEA partnership to
23 identify -- since they are the key stakeholders, we need
24 to identify the issues that the LEA's find most important,
25 work with the LEA organizations and prioritize those areas

1 that can be successfully resolved or changed.

2 And then, finally, to report back to the Board on
3 the results of the LEA partnership initiative and
4 potential next steps -- broader next steps, including
5 options and resource considerations for expanding or
6 shifting programs.

7 And I do have -- we have been waiting on the
8 response from LEA's on the partnership initiative that we
9 started in August. And we do have that, February 6th,
10 from our enforcement advisory council. The ball's back in
11 our court. And we'd like to proceed with that and then
12 come back to the Board with the results of that and some
13 further options.

14 That concludes my presentation.

15 If you have any questions, I'd be happy to
16 discussion them.

17 CHAIRPERSON MOULTON-PATTERSON: Any questions?

18 Thank you.

19 Oh, Mr. Paparian.

20 BOARD MEMBER PAPARIAN: Yeah, I think in -- we
21 heard some issues this morning that we don't want to lose
22 site of. So I don't know if it's really -- well, I guess
23 you could consider it part of implementation of this
24 strategic plan item, kind of separate and above what
25 you've suggested here in terms of recommendations. So I

1 think we need to look at some of those areas and improved
2 enforcement and improved cross-training with OSHA and some
3 of those other issues that we raised.

4 ACTING DEPUTY DIRECTOR WALKER: And I think I'd
5 like to add -- build on that too, is that this is
6 obviously will tie in and feed back and forth with the P&E
7 Committee and the committee workshops that we have. So we
8 intend, you know, to plan to adjust and continue to go
9 into areas that the Committee and the Board directs us to.

10 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

11 I did want to note that I really like the new
12 agenda format. I know exec staff has worked very hard on
13 it, and that our staff has been trained on it. I feel
14 it's much easier to follow, and I really appreciate all
15 your efforts and hope that my fellow Board members find it
16 easier to follow also.

17 So thank you for all of your efforts.

18 And, Evan, did you want to speak? You're the
19 only member of the public left. And we always have public
20 comments at the end. Not that I'm putting you on the
21 spot. But I did want to call for public comments.

22 Seeing none, we will adjourn.

23 Thank you all very much for all your work.

24 (Thereupon the California Integrated Waste

25 Management Board meeting adjourned at 5:30 p.m.)

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 13th day of March, 2003.

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